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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES Office of Administrative Law Judges
San Francisco, Ca

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DECLARATION OF SHAUNA
HOLMAN-HARRIES IN
SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, TO STAY THE
PROCEEDINGS FOR FAILURE
TO CONCILIATE**

I, SHAUNA HOLMAN-HARRIES, hereby declare as follows:

1. I am the Director of Diversity and Compliance for Oracle America Inc. ("Oracle"), a position I have held since October 2011. I make this declaration in support of Defendant's Motion for Summary Judgment or, in the Alternative, to Stay the Proceedings For Failure to Conciliate. I have personal knowledge of the facts set forth herein, except where stated on information and belief, and if called as a witness could competently testify thereto.

2. I am informed and believe that OFCCP issued a Scheduling Letter dated September 24, 2014 to Oracle, indicating that its headquarters location (500 Oracle Parkway, Redwood Shores, CA 94065; hereinafter "HQCA") has been selected for a compliance review under Executive Order 11246. Attached hereto as **Exhibit A** is a true and correct copy of the September 24, 2014 OFCCP Scheduling Letter to Oracle, which was routed to me in the regular course of business.

3. In early March 2015, Brian Mikel of OFCCP contacted me by telephone regarding certain "indicators" allegedly revealed in OFCCP's desk audit of the data provided. Attached hereto as **Exhibit B** is a true and correct copy of the March 9-13, 2015 email chain between me and Mr. Mikel that following that call.

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4. OFCCP conducted an on-site evaluation at HQCA on March 24-27, 2015. I attended and participated in that on-site. On the last day of that on-site investigation, Mr. Mikel of OFCCP briefly spoke with me. He did not relay any findings (general or otherwise) from the investigation, and made only vague reference to hiring and compensation information having “stood out.”

5. OFCCP requested and Oracle agreed to a follow-up on-site evaluation at HQCA from June 22-25, 2015. I attended and participated in that on-site. Attached hereto as **Exhibit C** is a true and correct copy of a July 2, 2015 e-mail I sent to OFCCP following that on-site.

6. Attached hereto as **Exhibit D** is a true and correct copy of an e-mail I received on the evening of July 2, 2015 from Hea-Jung Atkins of OFCCP.

7. To my knowledge no exit conference ever occurred following the June 2015 follow-up on-site. I exchanged extensive additional correspondence with OFCCP, and provided additional documents and data, over the course of the following year.

8. I am informed and believe that OFCCP issued a Notice of Violation (“NOV”) to Oracle dated March 11, 2016 concerning its HQCA location. Attached hereto as **Exhibit E** is a true and correct copy of the NOV, which was routed to me in the regular course of business.

9. Attached hereto as **Exhibit F** is a true and correct copy of a March 15 and 16, 2016 email chain between me and OFCCP staff.

10. Attached hereto as **Exhibit G** is a true and correct copy of a March 18 and March 29, 2016 email chain between me and OFCCP staff, along with the attachment to OFCCP’s March 29, 2016 e-mail.

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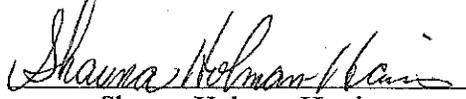
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11. Prior to March 2016, I had asked OFCCP on multiple occasions to explain its claim that it had found "indicators" of discrimination, or to identify specific "concerns" about particular aspects of Oracle's recruiting, hiring, or compensation practices. In addition to the correspondence detailed above, true and correct copies of my e-mails to OFCCP on this topic dated December 11, 2014, February 27, 2015, March 9, 2015, March 11, 2015, and December 17, 2015 are collected and attached hereto as **Exhibit H**.

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

Executed in Gilbert, Arizona on April 20, 2017.


Shauna Holman-Harries

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, CA 94103



SEP 24 2014

OMB NO. 1250-0003
Expires 09/30/2014

VIA CERTIFIED MAIL
7001 0320 0004 6350 4953
RETURN RECEIPT REQUESTED

Top Onsite Official
Oracle America Inc.
500 Oracle Parkway
Redwood Shore, CA 94065

Dear Top Onsite Official:

The U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) has selected your establishment located at 500 Oracle Parkway Redwood Shore, California for a compliance review under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, and their implementing regulations at 41 CFR Chapter 60. In addition, the review will include an examination of your establishment's compliance with the Federal Contractor Veterans' Employment Report (VETS-100) requirements (38 U.S.C. 4212(d)).

OFCCP will conduct the compliance review as described in the regulations at 41 CFR 60-1.20(a)(1) and 60-250.60(a)(1), 60-300.60, and 60-741.60, which outline the three possible phases of the process. These phases may include a desk audit, an onsite review, and an offsite analysis.

For the desk audit, please submit the following information: (1) a copy of your Executive Order Affirmative Action Program (AAP) prepared according to the requirements of 41 CFR 60-1.40 and 60-2.1 through 60-2.17*; (2) a copy of your Section 503/38 U.S.C. 4212 AAP(s) prepared according to the requirements of 41 CFR Parts 60-741 and 41 CFR Parts 60-250 and/or 60-300, respectively; and (3) the support data specified in the enclosed Itemized Listing.

OFCCP will treat the information you submit in response to this letter as sensitive and confidential to the maximum extent permitted under the Freedom of Information Act.

The findings OFCCP makes during the desk audit generally will determine whether an onsite review will be necessary, and if so, whether the onsite review will focus on one, two, or several issues. If an onsite review is necessary, we will notify you.

You should note that 41 CFR 60-2.2 authorizes the initiation of enforcement proceedings if the materials you submit for desk audit do not represent a reasonable effort* to meet the requirements of the regulations.

Please submit your AAPs and the support data specified in the enclosed Itemized Listing to the address listed on page one of this letter as

soon as possible, but no later than 30 days from the date of your receipt of this letter. We encourage you to submit as much information as possible in electronic format as doing so may reduce the amount of time it takes to complete our review.

If you have any questions concerning the compliance review, please feel free to contact Hea Jung Atkins, District Director, Greater San Francisco/Bay District Office at 415-625-7829.

Sincerely,



Hea Jung Atkins
District Director

Enclosure: Itemized Listing

*See Itemized Listing, "NOTE 1."

NOTE: The authority for requesting the following information is Executive Order (EO) 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, 38 U.S.C. 4212. The information will be used in the compliance evaluation process. Furnishing the requested information is required. Failure to furnish the requested information may constitute noncompliance with the contractor's obligations per the above authorities.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1250-0003. The time required to complete this information collection is estimated to average 28.35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

ITEMIZED LISTING

NOTE 1: The Executive Order AAP submission must demonstrate a reasonable effort to comply with 41 CFR Part 60-2. To do so, at a minimum, you must submit the following elements.

Both the AAP and support data are essential to conduct the desk audit phase of the compliance review. If any of the following information is computerized, you may submit it in an electronic format.

Executive Order AAP:

1. An organizational profile prepared according to 41 CFR 60-2.11.
2. The formation of job groups (covering all jobs) consistent with criteria given in 41 CFR 60-2.12;
3. For each job group, a statement of the percentage of minority and female incumbents, as described in 41 CFR 60-2.13;
4. For each job group, a determination of minority and female availability that considers the factors given in 41 CFR 60-2.14(c)(1) and (2);
5. For each job group, the comparison of incumbency to availability, as explained in 41 CFR 60-2.15.
6. Placement goals for each job group in which the percentage of minorities or women employed is less than would be reasonably expected given their availability, consistent with 41 CFR 60-2.16.

Support Data:

7. A copy of your Employer Information Report EEO-1 (Standard Form 100 Rev., see 41 CFR 60-1.7) for the last three years.
8. A copy of your collective bargaining agreement(s), if applicable. Please also include any other information you have already prepared that would assist us in understanding your employee mobility system(s), e.g., promotion, etc.
9. Information on your affirmative action goals for the preceding AAP year and, where applicable (see below), progress on your goals for the current AAP year. See 41 CFR 60-1.12(b), -2.1(c) and -2.16.

ITEMIZED LISTING (continued)

- 3 -

- b. Promotions: The regulations at 41 CFR 60-2.17(b) and (d) require an analysis of your promotion practices to determine if upward mobility of minority or female employees is occurring at a lesser rate (compared to workforce mix) than nonminority or male employees.

For each job group or job title, this analysis must consist of the total number of promotions, as well as the number of minority and the number of female promotions.

Please note that:

- (1) If you present promotions by job group, indicate how your company defines promotions and the basis on which the data were compiled (e.g., promotions to the job group, from and/or within the job group, etc.); or
- (2) If you present promotions by job title, include the department and job group from which and to which the person(s) was promoted.

- c. Terminations: The regulations at 41 CFR 60-2.17(b) and (d) require an evaluation of the degree to which nondiscrimination policy is carried out with respect to employee terminations.

For each job group or job title, this analysis must consist of the total number of employee terminations, as well as the number of minority and the number of female terminations.

Please note that if you present terminations by job title, include the department and job group from which the person(s) terminated.

11. Please provide annualized compensation data (wages, salaries, commissions, and bonuses) by either salary range, rate, grade, or level showing total number of employees** by race and gender and total compensation by race and gender. Present these data in the manner most consistent with your current compensation system. If you maintain the information in electronic format, please submit in that format. See 41 CFR 60-1.4(a)(1). You may also include any other information you have already prepared that would assist us in understanding your compensation system(s). Alternatively, under the voluntary guidelines for self-evaluation of compensation practices, 71 Fed. Reg. 35114 (June 16, 2006), you have the option of seeking compliance coordination. If you so choose, you need not submit the annualized compensation data outlined in Item 11. However, you must notify OFCCP that you "seek compliance coordination under the voluntary OFCCP compensation self-evaluation guidelines."

**For this purpose, the method used to determine employee totals by the contractor should be the same as that used to determine employee totals in the organizational profile for the AAP.

From: Atkins, Hea Jung K - OFCCP
To: Shauna Holman Harries; Mikel, Brian L - OFCCP
Cc: Neil Bourque; Luong, Hoan - OFCCP
Subject: RE: HQCA
Date: Friday, March 13, 2015 10:24:14 AM

Hi Shauna,

Thank you for your response. Your concerns regarding our aggregation techniques during the initial analysis have been noted. However, at this time we are proceeding as discussed in the March 12, 2015 correspondence from Brian Mikel. Within that correspondence, you were also informed that our interview list is forthcoming which will naturally provide guidance as to the employees we would like to speak with. Moreover, as you may be aware, an exit conference will be held to provide specificity to our initial findings at the conclusion of the onsite. We look forward to your continued cooperation throughout the investigative process and await receipt of the pending data requests.

Thank you,
Hea Jung

From: Shauna Holman Harries [mailto:shauna.holman.harries@oracle.com]
Sent: Thursday, March 12, 2015 3:52 PM
To: Mikel, Brian L - OFCCP
Cc: Neil Bourque; Atkins, Hea Jung K - OFCCP; Luong, Hoan - OFCCP
Subject: RE: HQCA

Hi Brian. We appreciate your response but unfortunately it doesn't provide us with any detail so we have no idea what specifically to look at. Further, you've asked for an enormous amount of detail for all headquarters employees. You make reference generally to race/ethnicity and to technical Job Groups. However, the information you have provide us gives no detail or direction on what we should look at or how we might even begin to address any perceived concerns. Moreover, as I'm sure you know, reference to AAP Job Groups affords no relevant or meaningful comparison for any purpose – certainly not hires or pay. We provided detailed information in the desk audit response that identified employees and their most relevant comparators in the same job title, dept, etc. Oracle's job structure and related hiring and pay decisions have nothing to do with Job Groups. We understand that OFCCP might choose to aggregate data by Job Group, but I don't see how that can result in any meaningful analysis or identify any relevant indicators in any of the job in PT1, 2 or 3.. Please advise ASAP if you have anything more detailed.

Thanks you.

Shauna

From: Mikel, Brian L - OFCCP [mailto:Mikel.Brian@dol.gov]

Sent: Thursday, March 12, 2015 10:21 AM
To: Shauna Holman Harries
Cc: Neil Bourque; Atkins, Hea Jung K - OFCCP; Luong, Hoan - OFCCP
Subject: RE: HQCA

Hi Shauna,

Our preliminary desk audit indicators are primarily in compensation and hiring based on gender and race/ethnicity. As you'll find when we send the list of employee and manager interviews, the majority of the job titles are within the PT1, PT2 and PT3 job groups.

An updated database as soon as possible (does not necessarily need to include every item in last request) will help us focus our time and interviews while on-site. Company tenure and time in job information, as you know, is important information that was not included in previous submissions.

I will be on leave until next Wednesday, please forward any future correspondence to Hea Jung Atkins and Hoan Luong and cc me.

Thank you,
Brian

From: Shauna Holman Harries [<mailto:shauna.holman.harries@oracle.com>]
Sent: Wednesday, March 11, 2015 9:11 AM
To: Mikel, Brian L - OFCCP
Cc: Neil Bourque
Subject: RE: HQCA

Not sure if you saw this request. Would you please send us the indicators?

From: Shauna Holman Harries
Sent: Monday, March 09, 2015 1:26 PM
To: Mikel, Brian L - OFCCP
Cc: Neil Bourque
Subject: HQCA

As a follow up to our telephone call I wanted to ask you what, if any, indicators have you found in your initial analysis? You have not said anything with regard to the identification of any indicators so far. Please advise.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

"Working to create an inclusive, diverse culture that drives innovation and business success."

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From: [Shauna Holman Harries](#)
To: [Atkins, Hea Jung K - OFCCP](#)
Cc: [Neil Bourque](#); [Charles Nyakundi](#); [Bill Couch](#); [Lida Daniel](#); [Luong, Hoan - OFCCP](#); [Crossland, Milton - OFCCP](#)
Subject: Exit Conference
Date: Thursday, July 02, 2015 12:33:35 PM

Hi Hea Jung. Since you were ill, no one conducted any exit conference with us at the close last week. We did have a nice goodbye chat, but nothing substantive, with Huon and Milton after the last interview. It is my understanding that they are looking to you to communicate any additional information concerning the June onsite. I would like to get the exit conference done ASAP and learn of any concerns or issues you and your team identified. My sense from the interviews I sat in on, and those attended by Neil and Charles is that, all went well and no issues were identified. Of course, you also did some employee interviews where we were not present. In any event, I'd like to close the loop with you (and your colleagues). Please let me know a good time to talk next Monday or Tuesday.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

"Working to create an inclusive, diverse culture that drives innovation and business success."

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Oracle is committed to developing practices and products that help protect the environment

To: Shauna Holman Harries (shauna_holman.harries@oracle.com)[shauna.holman_harries@oracle.com]
Cc: Luong, Hoan - OFCCP[Luong.Hoan@dol.gov]; Crossland, Milton - OFCCP[Crossland.Milton@dol.gov]; Doles, Robert - OFCCP[Doles.Robert@dol.gov]
From: Atkins, Hea Jung K - OFCCP
Sent: Thur 7/2/2015 9:35:12 PM
Importance: Normal
Subject: Employee Interviews and Pleasanton list
Received: Thur 7/2/2015 9:35:20 PM
[Onsite interview list.xlsx](#)

Hi Shauna,

Attached please find a list of managers and employees that OFCCP would like to interview while onsite at Oracle Pleasanton during the week of July 27, 2015.

I am also compelled to address how Oracle responded to our request for employee interviews at Redwood Shores, along with your June 22 and 23, 2015, email correspondence to me regarding OFCCP's conduct during last week's onsite. It is important to address these issues now before the Pleasanton onsite as we are extremely concerned with how Oracle is continuing to mischaracterize facts in an apparent attempt to interfere and obstruct our audit, while creating a false record of OFCCP's audit of Oracle Redwood Shores. Interference and obstruction with our ability to conduct an audit of Oracle's facilities is a violation of our regulations and federal law.

On May 29, 2015, via email to you, Hoan Luong requested contact information for all current and former employees pursuant to 41 CFR §60 – 1.20(a)(1) and (2). Oracle failed to respond to our request. Because a response to this request was not provided, we provided you with a list of employees to schedule for interviews during the onsite. Instead of scheduling interviewees per our request, Oracle instead sent an email to the employees on the list designed to chill their participation in the interviews. You incorrectly claimed that OFCCP requested that the email be sent to employees and incorrectly claimed to have copied me on the emails. When I informed you that Oracle's actions were contrary to our request and asked that the employees be scheduled so that we can speak directly to them, you emailed me on June 19, 2015, to tell me that my request bordered on harassment and intimidation of the individuals. You then continued to mischaracterize Brian Mikel as having abused the process without any factual support. As a result of Oracle's interference, OFCCP was only able to conduct 8 out of the 132 employees named during the June 22 to June 25 Oracle Redwood Shores onsite.

On June 22, 2015, while onsite, you also sent me an email that OFCCP team members failed to inform managers about their right to have Oracle representatives be present during the confidential employee questions portion of the interview. You then sent me another email on June 23, 2015, stating that Oracle noticed a huge difference and that I had obviously ensured that appropriate statements were made after receipt of your June 22 email. As you know, I was sick on June 23 (and out during the remainder of the onsite) and advised you that I will review your email to me and respond back to you as soon as I could.

I have since had the opportunity to discuss your email with my team members and disagree with Oracle's portrayal of OFCCP's statements. OFCCP acted appropriately during the onsite and indeed found Oracle representatives to have intimidated interviewees through strong and misleading messages such as repeated statements that representation is a right without proper disclosure of Oracle's conflict of interest with employees in this audit, and by making demands of OFCCP, in the interviewee's presence, that the interviewee be informed of their rights. Such statements insinuated a sense of wrongdoing of the interviewee. Oracle representatives also misled employees to believe that Oracle represented their interests in this audit, instead of its own.

Please be advised that OFCCP views Oracle's continued mischaracterization of our requests and misrepresentation of facts in this audit as intimidation and interference with our ability to conduct a compliance evaluation, in violation of 41 CFR §60-1.32 and 41 CFR §60-1.26(a)(x) and other laws.

We expect that the Oracle Pleasanton onsite will be conducted in a professional manner. Pursuant to 41 CFR §60 – 1.20(a)(1) and (2), please either provide us with contact information (current or last known home phone number, home address and email addresses) for all former and current employees at the Oracle Pleasanton facility during the review period or schedule the employees listed in the attached spreadsheet without sending email notifications. Please also send us contact information for all Oracle HQ employees per Hoan Luong's May 29, 2015, email by June 10, 2015, as we were denied access to interviewing employees while onsite.

Exhibit D
Page 1 of 2

Finally, today you emailed me asking to schedule an exit conference for Oracle Redwood Shores. We are not prepared to conduct

an exit conference at this time as in addition to the need to conduct employee interviews we are still awaiting outstanding items listed in our April 27, 2015 letter. We will schedule an exit conference at the conclusion of our offsite analysis.

Thank you for your cooperation,
Hea Jung Atkins

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, CA 94103



March 11, 2016

**VIA CERTIFIED MAIL,
7015 0640 0001 2393 5541
(RETURN RECEIPT REQUESTED)**

Safra A. Catz
Mark Hurd
Chief Executive Officers
ORACLE America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

**RE: COMPLIANCE EVALUATION OF ORACLE AMERICA, INC.,
REDWOOD SHORES, CALIFORNIA; OFCCP NO. R00192699**

Dear Ms. Catz and Mr. Hurd:

The United States Department of Labor ("DOL"), Office of Federal Contract Compliance Programs ("OFCCP"), is conducting a compliance evaluation of ORACLE America, Inc. ("ORACLE") in Redwood Shores, California pursuant to 41 Code of Federal Regulations ("C.F.R.") Chapter 60: Executive Order 11246, as amended ("E.O. 11246"); Section 503 of the Rehabilitation Act of 1973, as amended ("Section 503"); and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended ("VEVRAA").

OFCCP found that ORACLE violated E.O. 11246. Consequently, OFCCP is issuing this Notice of Violations to ORACLE. ORACLE's violations, and the corrective actions required to remedy them, are set forth below.

HIRING DISCRIMINATION (VIOLATION 1)

I. VIOLATION:

During the review period from January 1, 2013 through June 30, 2014, ORACLE discriminated against qualified African American, Hispanic and White (hereinafter "non-Asians") applicants in favor of Asian applicants, particularly Asian Indians, based upon race in its recruiting and hiring practices for Professional Technical 1, Individual Contributor ("PT1") roles, in violation of 41 C.F.R. 60-1.4(a)(1).

Specifically, during the period of January 1, 2013 through June 30, 2014, ORACLE recruited approximately 6800 applicants to PT1 roles. Of those applicants, ORACLE recruited 2% African

Americans, 2.5% Hispanics, 19% Whites and 76% Asian applicants. Of the Asian applicants, Asian Indians were nearly 70% of Asian applicants and over 50% of all applicants in PT1.¹

An analysis of ORACLE's applicant data and appropriate workforce availability statistics² show that ORACLE favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85. ORACLE disfavored non-Asian applicants in recruiting, particularly African American, Hispanic and White applicants, at standard deviations as significant as -8, -10, and -80, respectively.

Additionally, during the period of January 1, 2013 through June 30, 2014, ORACLE hired approximately 670 applicants into PT1 roles. Of those hires, ORACLE hired 1% African Americans, 2% Hispanics, 14% Whites, and 82% Asian applicants. Of the Asian hires, Asian Indians were nearly 60% of Asian hires and 45% of all hires in PT1.

An analysis of ORACLE's hiring data and appropriate workforce availability statistics³ show that ORACLE favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30. ORACLE disfavored non-Asian applicants in hiring, particularly African American, Hispanic and White applicants, at standard deviations as significant as -4, -3, and -28, respectively.

Evidence gathered during the compliance evaluation demonstrates that ORACLE's discriminatory recruiting and hiring practices skewed the racial composition of the applicant flow data to favor Asians, particularly Asian Indians, and disfavored other racial groups for PT1 roles. In order to further analyze ORACLE's recruitment and hiring practices for PT1 roles, OFCCP made multiple requests to ORACLE for copies of all application materials for all expressions of interest, including but not limited to names of hiring managers, employee referrals, requisition dates, hire dates, and copies of job postings and job requirements. Because ORACLE failed to provide complete and accurate information in response to OFCCP's multiple requests, OFCCP presumes that the information not produced would have been unfavorable to ORACLE.

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE recruited, selected and hired Asian applicants, particularly Asian Indians, for PT1 roles at a rate significantly greater than their non-Asian counterparts who were equally or more qualified for the roles. ORACLE's recruiting and hiring practices resulted in unlawful discrimination against non-Asian applicants based upon race, particularly African American, Hispanic and White applicants.

¹ Asian Indians make-up less than 1% of the U.S. population. *Asians in the U.S. labor force: profile of a diverse population*, U.S. DOL, Bureau of Labor Statistics, Monthly Labor Review, November 2011, <http://www.bls.gov/opub/mlr/2011/11/art1full.pdf>.

² Availability statistics for the Software Developers, Applications & Systems Software Occupation in the United States is based upon 2006-2010 Census and/or 2013-2014 DOL, Bureau of Labor Statistics' Labor Force Statistics.

³ See footnote 2.

CORRECTIVE ACTION:

ORACLE must agree to revise its personnel practices and procedures to ensure that the qualified non-Asian applicants for the PT1 roles are afforded equal employment opportunity for recruitment and selection. ORACLE must also agree to provide the following "make-whole relief" to the non-Asian applicants:

- a) **Notice:** Send notification to the class members to inform them of their rights and the potential remedies.
- b) **Job Offer:** Make bona-fide job offers on a priority basis at the rate of pay that class members would now be earning had ORACLE hired them on the date of the first opportunity following their application.
- c) **Monetary Settlement:** Provide back pay plus quarterly compounded interest at the IRS underpayment rate for the class members. Back pay will be calculated from the date class members should have been hired to the date the violation is resolved in a signed Conciliation Agreement or a bona fide job offer is made to the respective class members. Provide any and all employment benefits that the class members would have received had it not been for the discrimination described above; and
- d) **Policies and Training:** Develop recruitment and hiring policies that comply with Executive Order 11246, as amended, and its implementing regulations; provide mandatory training on the policies to supervisory, management and recruitment professionals involved in ORACLE's recruitment and selection process; and evaluate performance and compensation of supervisory, management and recruitment professionals based upon compliance with the policies.

COMPENSATION DISCRIMINATION (VIOLATIONS 2-5)

2. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against female employees in Information Technology, Product Development, and Support roles based upon sex by paying them less than comparable males employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁴

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review,

⁴ ORACLE refused to provide OFCCP with complete compensation data for all relevant employees, including contract and contingent employees, for the full review period. ORACLE also did not provide any data demonstrating that its continuing compensation disparities have been remedied. Accordingly, OFCCP presumes such data would be unfavorable to ORACLE.

OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors. The results of OFCCP's regression analyses are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid male employees in Information Technology, Product Development, and Support roles at a rate significantly greater than their female counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against female employees based upon sex.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of sex. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Information Technology, Product Development, and Support roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against females in Information Technology, Product Development, and Support roles; 2) provide make-whole remedies to the class of females to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

3. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against African Americans in Product Development roles based upon race by paying them less than comparable Whites employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁵

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon race after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid White employees in Product Development roles at a rate significantly greater than their African American counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against African American employees based upon race.

⁵ See footnote 4.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of race. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against African Americans in Product Development roles; 2) provide make-whole remedies to the class of African Americans to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

4. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against Asians in Product Development roles based upon race by paying them less than comparable Whites employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁶

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon race after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid White employees in Product Development roles at a rate significantly greater than their Asian counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against Asian employees based upon race.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of race. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against Asians in Product Development roles; 2) provide make-whole remedies to the class of Asians to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

⁶ See footnote 4.

5. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against Americans in Product Development and Support roles based upon national origin by paying them less than comparable non-Americans employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁷

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; evaluated public disclosure files and related wage determination memoranda; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon national origin after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid non-American employees in Product Development and Support roles at a rate significantly greater than their American counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against American employees based upon national origin.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of national origin. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development and Support roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against Americans in Product Development and Support roles; 2) provide make-whole remedies to the class of Americans to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

AFFIRMATIVE ACTION VIOLATIONS (VIOLATIONS 6-8)

6. VIOLATION:

ORACLE failed to perform an in-depth analysis of its total employment processes to determine whether and where impediments to equal employment opportunity exist as required by 41 C.F.R. 60-2.17(b)(3). Specifically, ORACLE failed to identify problem areas in its compensation system(s) to determine whether sex or race based disparities existed.

⁷ See footnote 4.

CORRECTIVE ACTION:

ORACLE must agree to perform in-depth analyses of its total employment processes to determine whether and where impediments to equal employment opportunity exist. ORACLE must agree to evaluate its compensation system(s), specifically base salary, bonus programs, starting wages, pay increases, restricted stock units (RSU) or other stock awards, promotions relative to pay, and any other benefits, to determine whether there are sex, race or national origin based pay disparities. ORACLE will incorporate these analyses and determinations into its current AAP and will update these analyses at least annually and incorporate them into future AAPs.

7. VIOLATION:

ORACLE failed to demonstrate good faith efforts to develop and execute action-oriented programs designed to correct pay disparities as of January 1, 2013. Specifically, ORACLE was unable to demonstrate that it had conducted any pay equity analyses, or otherwise attempted to correct the problem areas identified in 41 C.F.R. 60-2.17(b)(3) in violation of 41 C.F.R. 60-2.17(c).

CORRECTIVE ACTION:

ORACLE must agree to conduct an in-depth analysis of its total employment processes to determine whether any impediments to equal opportunity exist. ORACLE must then develop and implement action-oriented programs designed to remove any identified impediments and institute salary adjustment procedures to determine where and how equity adjustments should be made to ensure nondiscrimination.

8. VIOLATION:

ORACLE failed to develop and implement an internal audit and reporting system that periodically measured the effectiveness of its total affirmative action program as required by 41 C.F.R. 60-2.17(d). Specifically, ORACLE failed to monitor its records of all personnel activities, such as compensation, at all levels to ensure its nondiscriminatory policy was carried out.

CORRECTIVE ACTION:

ORACLE must agree to implement an internal audit and reporting system to periodically measure the effectiveness of its total affirmative action program. ORACLE must agree to take the following corrective actions:

- a) Monitor records of all personnel activity, such as all components of compensation, to ensure the non-discriminatory policy is enforced;
- b) Require internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;
- c) Review reports with all levels of management;

- d) Advise top management about the effectiveness of the equal employment opportunity program and submit recommendations to improve any unsatisfactory performance; and
- e) Provide training to all employees who participate in any component of ORACLE's compensation system(s).

RECORDKEEPING AND ACCESS VIOLATIONS (VIOLATION 9-10)

9. VIOLATION:

ORACLE failed to collect and maintain personnel and employment records and conduct adverse impact analyses in accordance with the requirements of 41 C.F.R. 60-1.12(a) and Part 60-3. Additionally, ORACLE failed to conduct the adverse impact analyses required by 41 C.F.R. 60-3.15A and 60-3.4.

CORRECTIVE ACTION:

ORACLE will ensure that its records are collected and maintained in accordance with the requirements of 41 C.F.R. 60-1.12(a) and Part 60-3. ORACLE will conduct adverse impact analyses on at least an annual basis for the purpose of determining whether adverse impact exists against applicants based on race, sex, or national origin/ethnic group in hiring, promotion, termination, and other personnel activities. These analyses will be done by job for each group constituting more than 2% of the labor force in the relevant labor area or 2% of the applicable workforce. If adverse impact is identified in the total selection process, ORACLE will evaluate each individual component of the selection process for adverse impact. If adverse impact is found to exist in any of the individual components of the selection process, ORACLE will validate each such component in accordance with the Uniform Guidelines on Employee Selection Procedures or utilize selection procedures which do not result in adverse impact.

10. VIOLATION:

ORACLE denied OFCCP access to records, including prior year compensation data for all employees and complete hiring data for PT1 roles during the review period of January 1, 2013 through June 30, 2014, which are relevant to the matter under investigation and pertinent to ORACLE's compliance with Executive Order 11246, as amended, and the regulatory requirements at 41 C.F.R. 60-1.12; 60-1.20; 60-1.43; 60-2.32 and 60-3.4.

CORRECTIVE ACTION:

ORACLE must immediately provide to OFCCP all relevant compensation and hiring data, which was requested on April 27, 2015, May 11, 2015, May 28, 2015, July 30, 2015, October 1, 2015, October 14, 2015, November 2, 2015, and December 15, 2015.

Finally, please note that nothing herein is intended to relieve ORACLE from the obligation to comply with the requirements of E.O. 11246, Section 503, and/or VEVRAA, their implementing regulations, or any other equal employment opportunity/ nondiscrimination statute, executive order or regulation. In addition, this Notice of Violation in no way limits the applicability of the revised regulations implementing Section 503, 41 C.F.R. Part 60-741 (2014) and the revised regulations implementing VEVRAA, 41 C.F.R. Part 60-300 (2014).

In order to come into compliance, ORACLE must enter into a binding Conciliation Agreement with OFCCP that encompasses all of the corrective actions described above. It is our desire to avoid enforcement proceedings. You may contact me at (415) 625-7839 within five (5) business days of receipt of this letter if ORACLE would like to begin conciliation and resolution of the specified violations.

Sincerely,



Robert Doles
District Director

cc: Shauna Holman-Harries (via email: shauna.holman.harries@ORACLE.com)
Director Diversity Compliance, Oracle America, Inc.

Juana Schurman (via email: juana.schurman@ORACLE.com)
Vice President and Associate General Counsel, Oracle America, Inc.

Gary R. Siniscalco (via email: grsiniscalco@orrick.com)
Orrick Herrington & Sutcliffe LLP

Enclosure

ATTACHMENT A

COMPENSATION DISCRIMINATION (VIOLATIONS 2-5)

Analysis of Employees' Annual Salary and Gender

The United States Department of Labor, Office of Federal Contract Compliance Programs ("OFCCP") conducted statistical analysis of the employment records Oracle America, Inc. ("Oracle") provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' gender, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to female employees in *Information Technology*, *Product Development*, and *Support* roles.

**Regression Analysis of Female and Male Employees'
Salary Difference at Oracle**

Year¹	Class	Number of Female Class Members	Standard Deviations
2014	Female <i>Information Technology</i> Employees	133	-2.71
2014	Female <i>Product Development</i> Employees	1,207	-8.41
2014	Female <i>Support</i> Employees	47	-3.67

¹ Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide OFCCP with its prior year compensation data.

Analysis of Employees' Annual Salary and Race

The United States Department of Labor, OFCCP conducted statistical analysis of the employment records Oracle provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' race, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to African American and Asian employees in *Product Development* roles.

Regression Analysis of African American and White Employees' Salary Difference at Oracle

Year ²	Class	Number of Black Class Members	Standard Deviations
2014	African American <i>Product Development</i> Employees	27	-2.10

Regression Analysis of Asian and White Employees' Salary Difference at Oracle

Year ³	Class	Number of Asian Class Members	Standard Deviations
2014	Asian <i>Product Development</i> Employees	3,086	-6.55

² Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

³ Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

Analysis of Employees' Annual Salary and National Origin

The United States Department of Labor, OFCCP conducted statistical analysis of the employment records Oracle provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' national origin, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, visa status, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to American employees in *Product Development* and *Support* roles.

Regression Analysis of American and Non-American Employees' Salary Difference at Oracle

Year ⁴	Class	Number of American Class Members	Standard Deviations
2014	American <i>Product Development</i> Employees	3,501	-7.07
2014	American <i>Support</i> Employees	185	-3.65

⁴ Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

From: [Doles, Robert - OFCCP](#)
To: [Shauna Holman Harries](#)
Cc: [Luong, Hoan - OFCCP](#); [Atkins, Hea Jung K - OFCCP](#)
Subject: RE: Receipt of Letter - HQCA
Date: Wednesday, March 16, 2016 10:35:53 AM

Thank you Shauna. Please let us know when we could expect to receive Oracle's position statement and subsequently initiate conciliation discussions.

From: Shauna Holman Harries [mailto:shauna.holman.harries@oracle.com]
Sent: Tuesday, March 15, 2016 5:19 PM
To: Doles, Robert - OFCCP
Cc: Vickie Thrasher; Neil Bourque; Charles Nyakundi; Lida Daniel; Kela Moon; Sean Smith
Subject: Receipt of Letter - HQCA

Dear Mr. Doles,

I am sending you this email to acknowledge receipt of your letter of March 11, 2016. We look forward to engaging with you to resolve this matter.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

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From: Doles, Robert - OFCCP
To: "Shauna Holman Harries"
Cc: Luong, Hoan - OFCCP; Atkins, Hea Jung K - OFCCP; Neil Bourque; Charles Nyakundi; Lida Dantel; Sean Smith; Kela Moon; Bill Couch
Subject: RE: Receipt of Letter - HQCA
Date: Tuesday, March 29, 2016 4:24:33 PM
Attachments: Pending Information Requests.docx

Dear Ms. Holman-Harries:

This responds to your email communication dated March 18, 2016.

Your email communication indicates that the Agency failed to advise Oracle of any findings in advance of issuing the Notice of Violations on March 11, 2016, in violation of the FCCM. We disagree.

During the entrance conference held on March 24, 2015, OFCCP discussed with you and other Oracle representatives the preliminary indicators and areas of concern at issue in the compliance evaluation, including Oracle's compensation and hiring practices. At the exit conference held on March 27, 2015, OFCCP informed you and Neil Bourque that the Agency would conduct further analysis and any Agency findings would be issued in a formal notice. Upon conclusion of the follow-up onsite review on June 25, 2015, OFCCP informed you and Oracle representatives Neil Bourque, Charles Nyakundi, and outside counsel Gary Siniscalco that the Agency would review the information collected and conduct further analysis to determine its findings. On December 22, 2015, OFCCP also indicated to you that additional information was needed to further investigate potential violations.

Throughout the compliance evaluation process, OFCCP also requested that Oracle comply with all outstanding data requests (see attachment), some of which had been pending since November 19, 2014 and also indicated the Agency's preliminary indicators and areas of concern. Despite numerous follow-up requests and deadline extensions, OFCCP's information requests were met with unsubstantiated objections or were simply ignored.

At this stage, OFCCP is prepared to engage in a meaningful, good faith and timely conciliation process in order to attempt to reach an acceptable resolution of the Notice of Violations. During conciliation discussions, OFCCP will address any questions or concerns you or other Oracle representatives may have about our findings. OFCCP also asks that Oracle provide a representative who is prepared to discuss in detail Oracle's rebuttal position and analysis to the Notice of Violations, which should clearly set forth, through evidence, how the Agency's analysis is flawed or how the observed disparities are explained by legitimate, nondiscriminatory reasons or business necessity. Argument of counsel, affirmations of good faith in making individual decisions, and cohort comparisons are insufficient to rebut statistical evidence of systemic discrimination.

Please let us know whether an Oracle representative with decision-making authority and an Oracle representative with the requisite knowledge noted above will be available to meet during the week of April 18, 2016 to conciliate this matter. We look forward to hearing from you.

Robert A. Doles, Esq.
District Director
Greater San Francisco Bay District Office
Office of Federal Contract Compliance Programs

90 7th Street, Suite 18-300
San Francisco, CA 94103
(310)268.1247
doles.robert@dol.gov

From: Shauna Holman Harries [mailto:shauna.holman.harries@oracle.com]
Sent: Friday, March 18, 2016 11:36 AM
To: Doles, Robert - OFCCP
Cc: Luong, Hoan - OFCCP; Atkins, Hea Jung K - OFCCP; Neil Bourque; Charles Nyakundi; Lida Daniel; Sean Smith; Kela Moon; Bill Couch
Subject: RE: Receipt of Letter - HQCA

Dear Mr. Doles,

I received your request for a position statement. But I'm afraid we don't understand the request or the timing.

We are not aware of any requirement to provide a position statement at this point in the process. Our understanding of the process according to Section 8G01 of the FCCM is that "conciliation discussions may involve various methods of communication including the exchange of letters and emails, telephone conferences and in person meetings." Nothing seems to call for a position statement at this point in time.

The agency failed to advise Oracle of any findings in advance of issuing a Notice of Violation. This seems in violation of Section 2P00 of the FCCM which states "After advising the contractor of its compliance evaluation findings, the CO must provide formal notification through a Predetermination Notice or Notice of Violation"). Therefore we are at a complete loss in understanding how the agency arrived at its findings. Moreover, given what is contained in your March 11 letter and the attached summary data analysis, we have insufficient basis upon which to prepare a position statement.

We do, of course, have many questions and concerns about the findings and your various references to the compliance review process, our data submissions, and your various statements about refusal and access. Before we can offer a meaningful statement of position we will need to address these various issues and gain a better understandings of the facts on which you relied.

In terms of timing, I'm sure you are aware of the many outstanding OFCCP evaluations being conducted by the agency. We can't do multiple things, or be in multiple places, simultaneously given the numerous reviews. My team and I are working with other OFCCP offices on on-sites (next week we have one on the east coast), and we are dealing with numerous information requests prior to scheduling five other on-sites.

I'm open to your thoughts and suggestions on how best to proceed. In the meantime, it would be helpful if you would provide the following:

The details of each data analysis referenced in your letter; information you believe was destroyed or required records that OFCCP believes were not kept (leading to your presumption that such information was unfavorable); and record documentation of refusals you reference.

Your response to the foregoing would be a useful start to help us to better understand your

findings.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
Phone: +1 602 333 9112 | Fax: +1 602 333 9112 | Mobile: +1 480 689 1858

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Pending Information Requests

No.	Date(s) of Request	Data Requested	Status of Request
1	11/19/14; 1/22/15; 1/28/15; 04/27/15; 5/11/15; 5/28/15; 11/2/15	Internal pay equity analysis	Past due
2	11/19/14; 2/10/15; 4/27/15; 5/11/15; 5/28/15; 7/30/15; 10/14/15; 11/2/15	Compensation database, snapshot 01/01/2014, with name of school attended, educational degree earned, prior salary immediately before joining Oracle and years of experience before joining Oracle	Past due
3	7/30/15; 8/28/15; 9/21/15; 10/1/15; 10/14/15; 11/2/15	Compensation database, snapshot 01/01/2013	Past due
4	2/10/15; 4/27/15; 5/11/15; 5/28/15; 10/14/15; 11/2/15	Employee personnel actions (including wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information)	Past due
5	10/14/15; 11/2/15	Applicant flow database (01/01/13 – 06/30/14)	Past due
6	7/30/15; 10/1/15; 10/14/15; 11/2/15	Applicant flow database (01/01/12 – 12/31/12)	Past due
7	6/24/15; 7/27/15; 9/2/15; 9/29/15; 10/1/15; 10/14/15; 11/2/15	Labor Condition Applications and Public Access Files	LCAs for 71 out of 990 employees are past due
8	4/27/15; 5/11/15; 5/28/15; 7/30/15; 10/1/15; 10/14/15; 11/2/15	Hiring documents: copies of applications, resumes, requisitions, job postings, job descriptions, names and job titles of hiring managers for job group PT1.	Incomplete
9	7/30/15; 10/14/15; 11/2/15	Non-redacted personnel files	Incomplete
10	1/4/16	Signed manager interview statements	Past due
11	04/27/15; 05/11/15; 05/28/15; 07/30/15; 10/14/15; 11/02/15	Resubmit resume files in an easy to read format. The picture-format resumes that were pasted on MS Word are illegible	Past due
12	05/29/15; 07/02/15; 10/14/15; 11/02/15	Employee contact information	Past due
13	03/04/15; 03/24/15; 03/26/15; 04/15/15; 10/14/15; 11/02/15	Internal and external employee complaints	Past due

From: [Shauna Holman Harries](#)
To: [Luong, Hoan - OFCCP](#)
Cc: [Lida Daniel](#); [Neil Bourque](#); [Bill Couch](#)
Subject: RE: Oracle HQCA (Redwood Shores, CA) // request for additional pay data
Date: Thursday, December 11, 2014 12:14:47 PM
Attachments: [11 ITEM11 HQCA JAN2014 Extended rfi.xlsx](#)

Hi Hoan. I am attaching a compensation spreadsheet for your HQCA compensation request. We are still waiting on two areas of information from other departments. Those two areas are stock level and leaves taken. We will add them to the spreadsheet just as soon as we get them and send them to you right away. I also want to point out that function and specialty area are the closest areas related to job family so that is why you will see them as headers instead of the traditional terms related to job family.

Oracle sells many different products. Because of the diversity in products sold at Oracle, job group or job title have little bearing on an employee's pay. Please also note that even for employees appearing in the same job group, job title and/or the same department, their work, responsibilities and duties, and employee respective skill and experience typically can vary widely. We have very few employees, or jobs, at any Oracle location where there are multiple employees doing the same or similar work with the same skill/experience. We have also included supervisor which helps in several ways. First, it likely means even for employees in the same department and job title, working for a different supervisor will typically denote the different line of business or product the employee is working on. Different products or lines of business typically require different skill sets. Please note that we do not maintain education or work experience in our database. Any collection of data of that type would take months for us to acquire through research. We do consider experience and education among many other things when determining compensation. If you can let us know any specific areas of concern you have we would be happy to conduct the necessary research to answer your questions. Also, if you would like to schedule some time with one of our compensation managers to answer your questions we would be happy to do so.

The code to open anything encrypted is the same as other documents we have sent to you.

Shauna

From: Luong, Hoan - OFCCP [<mailto:Luong.Hoan@dol.gov>]
Sent: Monday, December 01, 2014 4:30 PM
To: Shauna Holman Harries
Cc: Lida Daniel; Neil Bourque; Bill Couch
Subject: RE: Oracle HQCA (Redwood Shores, CA) // request for additional pay data

OFCCP management has granted an extension to submit the requested data by Tuesday, December 16, 2014.

From: Shauna Holman Harries [<mailto:shauna.holman.harries@oracle.com>]
Sent: Monday, December 01, 2014 1:12 PM
To: Luong, Hoan - OFCCP
Cc: Lida Daniel; Neil Bourque; Bill Couch
Subject: RE: Oracle HQCA (Redwood Shores, CA) // request for additional pay data

It's going to take us a few more weeks to collect the information as I said below. It takes a minimum of three weeks to gather the information you have requested.

From: Luong, Hoan - OFCCP [<mailto:Luong.Hoan@dol.gov>]
Sent: Monday, December 01, 2014 1:04 PM
To: Shauna Holman Harries
Cc: Lida Daniel; Neil Bourque; Bill Couch
Subject: RE: Oracle HQCA (Redwood Shores, CA) // request for additional pay data

Ms. Holman-Harries,

The OFCCP typically allow only 5 days extension, but in light of the holidays and the timing that this request was sent out along with the other reviews you are handling, please indicate how long you are requesting for an extension. I will then forward your request to OFCCP management for approval. If the extension is approved, I will notify you immediately.

Thanks,
Hoan

From: Shauna Holman Harries [<mailto:shauna.holman.harries@oracle.com>]
Sent: Monday, December 01, 2014 11:40 AM
To: Luong, Hoan - OFCCP
Cc: Lida Daniel; Neil Bourque; william.couch@oracle.com
Subject: RE: Oracle HQCA (Redwood Shores, CA) // request for additional pay data

Hi Hoan. I got your voice mail and we are in receipt of this request. However, we have 23 open audits with numerous requests for information that have come in. It can take up to three weeks for us to pull the compensation data that you have requested as we are reliant on other departments at Oracle for this information. After that we need a few days to put it in a format that is understandable. Please understand your request was sent after 5 on November 19. Part of the time since you submitted your request has been consumed with non-work holidays. Only five workdays have elapsed since then with some staff taking time off during those five days.

We are working on your request. It has been submitted to our IT department to pull the information you are asking for. We will get that information to you just as soon as we can. But, please understand, a request of this type typically takes **at least three weeks** to process. We wish

we could get it to you sooner, but we are not able to do so.

Shauna

From: Luong, Hoan - OFCCP [<mailto:Luong.Hoan@dol.gov>]
Sent: Wednesday, November 19, 2014 5:04 PM
To: Shauna Holman Harries
Cc: Luong, Hoan - OFCCP
Subject: Oracle HQCA (Redwood Shores, CA) // request for additional pay data
Importance: High

Dear Ms. Holman-Harries,

The Office of Federal Contract Compliance Programs (OFCCP) is currently reviewing the affirmative action plan that you submitted to the OFCCP on October 28, 2014. The OFCCP will need additional pay factors to evaluate Oracle's compensation practice. Enclosed with this email is a letter listing all the items that need to be submitted to OFCCP. Please provide the compensation data in Excel format.

Please submit the requested information to OFCCP by Wednesday, November 26, 2014.

Thank you,

Hoan Luong
Senior Compliance Officer
U.S. Department of Labor - OFCCP
90 7th Street, Suite 11-100
San Francisco, CA 94103
P: (415) 625-7835
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From: [Shauna Holman Harries](#)
To: [Mikel, Brian L - OFCCP](#)
Cc: [Luong, Hoan - OFCCP](#); [Atkins, Hea Jung K - OFCCP](#); [Neil Bourque](#); [Lida Daniel](#); [Bill Couch](#)
Subject: RE: Oracle HQCA Onsite
Date: Friday, February 27, 2015 2:44:07 PM

Thanks Brian. While we understand the general areas you may want to cover, it would really be helpful to know ASAP what you are looking at. Tentatively, we are looking at a start on March 24, but still need to find out senior management availability for the entrance conference.

Below you mention that the on-site will include areas of hiring, promotion, termination and compensation. However, we have not been informed of any OFCCP concerns in any of these areas. In order to identify the right people and confirm interview availability, we request that you provide specifics on any identified concerns in these areas and identify topics you will want to cover. With regard to related records/documents, we can of course work on them regardless of the date of the on-site, but again, we really need considerable advance notice to identify and pull available records.

Shauna

From: Mikel, Brian L - OFCCP [mailto:Mikel.Brian@dol.gov]
Sent: Thursday, February 26, 2015 5:55 PM
To: Shauna Holman Harries
Cc: Luong, Hoan - OFCCP; Atkins, Hea Jung K - OFCCP
Subject: RE: Oracle HQCA Onsite

Hi Shauna,

Thank you for your response. We would like to confirm a start date and expected duration and we can coordinate the interview schedule throughout the next several weeks. The duration will entirely depend on our ability to confirm interview schedules but we would like to block off the full week.

The issues that warrant further investigation include areas of hiring, promotion, termination and compensation. Therefore, we need to interview managers, supervisors and HR responsible for administering compensation and hiring for several lines of business. We will also need to interview employees individually in the these lines of business.

The types of documents that we may want to review could include (but are not limited to) employee/manager personnel files, applications/resumes, interview notes, copies of discrimination complaints filed, copies of accommodation requests. We will provide a more detailed list once the onsite date is confirmed.

Thank you for your cooperation and we look forward to your prompt reply.

Regards,
Brian

Brian L. Mikel | Director
Hawaii Area and Guam Field Offices
U.S. Department of Labor
Office of Federal Contract Compliance Programs
300 Ala Moana Boulevard | Room 7-227
Honolulu, Hawaii 96850 | (ph) 808.541.2933 | (fax) 808.541.2904

From: Shauna Holman Harries [<mailto:shauna.holman.harries@oracle.com>]
Sent: Thursday, February 26, 2015 10:31 AM
To: Mikel, Brian L - OFCCP
Cc: Luong, Hoan - OFCCP; Atkins, Hea Jung K - OFCCP
Subject: RE: Oracle HQCA Onsite

Hi Brian, thanks for your email. We will need more than 24 hours to get back to you with availability and coordination. In the meantime, we need more information from you on who you might be interested in interviewing and what kind of documents you will want to see. Remember, that my team and I are all in Phoenix so I will need some sense of your expected time on site. As you correctly note we have other audits to coordinate and new plans in process. Please get back to me today if you can.

Shauna

From: Mikel, Brian L - OFCCP [<mailto:Mikel.Brian@dol.gov>]
Sent: Wednesday, February 25, 2015 8:16 PM
To: Shauna Holman Harries
Cc: Luong, Hoan - OFCCP; Atkins, Hea Jung K - OFCCP
Subject: Oracle HQCA Onsite

Good Evening Shauna,

We have completed the desk audit phase of the Oracle HQCA (Redwood Shores) establishment compliance evaluation. Based on the results of the desk audit, we would like to proceed to the on-site phase of the investigation.

We appreciate your assistance thus far and are confident that you and your team will assist the agency in conducting an efficient and effective on-site evaluation as soon as possible. Over the next several weeks, we will coordinate with you to develop the interview schedule for the appropriate management personnel and individual contributors. Upon completion of the on-site phase of the compliance evaluation, we will be available to discuss our findings with you.

It is also our desire to conduct this compliance evaluation efficiently. In consideration of the various open Oracle compliance evaluations, we are proposing that the on-site evaluation be scheduled to begin on Monday, March 23, 2015 at 9:00 a.m. The on-site evaluation will consist of the following:

1. Entrance conference with company executives;

2. Physical inspection;
3. Examination of personnel records and files, as applicable;
4. Interviews; and
5. Exit conference.

Please respond by Friday, February 27, 2015 to confirm your availability.

Thank you,

Brian L. Mikel | Director
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Honolulu, Hawaii 96850 | (ph) 808.541.2933 | (fax) 808.541.2904

From: [Shauna Holman Harries](#)
To: [Mikel Brian L - OFCCP](#)
Cc: [Neil Bourque](#)
Subject: HQCA
Date: Monday, March 09, 2015 1:25:38 PM

As a follow up to our telephone call I wanted to ask you what, if any, indicators have you found in your initial analysis? You have not said anything with regard to the identification of any indicators so far. Please advise.

Best Regards,
Shauna Holman-Harries

ORACLE

Shauna Holman-Harries - Director Diversity Compliance
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From: [Shauna Holman Harries](#)
To: [Mikel, Brian L - OFCCP](#)
Cc: [Neil Bourque](#)
Subject: RE: HQCA
Date: Wednesday, March 11, 2015 9:10:45 AM

Not sure if you saw this request. Would you please send us the indicators?

From: Shauna Holman Harries
Sent: Monday, March 09, 2015 1:26 PM
To: Mikel, Brian L - OFCCP
Cc: Neil Bourque
Subject: HQCA

As a follow up to our telephone call I wanted to ask you what, if any, indicators have you found in your initial analysis? You have not said anything with regard to the identification of any indicators so far. Please advise.

Best Regards,
Shauna Holman-Harries

ORACLE

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From: [Shauna Holman Harries](#)
To: [Luong Hoan - OFCCP](#)
Cc: [Doles, Robert - OFCCP](#); [Neil Bourque](#); [Sean Smith](#); [Charles Nyakundi](#); [Lida Daniel](#); [Bill Couch](#); [Kela Moon](#); [Vickie Thrasher](#)
Subject: RE: Oracle HQCA (Redwood Shores, CA) // hiring data
Date: Thursday, December 17, 2015 1:43:40 PM

Hi Hoan, in your December 16 email you asked for a considerable amount of information that is not in any electronic database. Responding to all these items will take an enormous amount of time and would be extremely burdensome for us to research and compile. Recall that for a smaller request from Hea Jung I provided a time chart describing what that effort would entail. This would require even more.

I would need to understand better the rationale and basis for this request before committing to such an effort. Perhaps you can identify specific job requisitions during the audit review period about which you have a concern, and identify the concern. This might help to narrow the amount of work and allow us to see whether and how we might address a more focused request.

Shauna

From: Luong, Hoan - OFCCP [<mailto:Luong.Hoan@dol.gov>]
Sent: Wednesday, December 16, 2015 1:46 PM
To: Shauna Holman Harries (shauna.holman.harries@oracle.com)
Cc: Doles, Robert - OFCCP
Subject: Oracle HQCA (Redwood Shores, CA) // hiring data

Dear Ms. Holman-Harries,

Thank you for submitting hiring data for Software Developers 1-5 and Student Interns. Please also submit the following data for all remaining Technical Professionals, Individual Contributors (PT1 group) for the period January 1, 2012 through June 30, 2014:

- Copies of each requisition, including copies of each job posting and each job description
- Copies of all applications, resumes and any and all supplemental information submitted by each applicant
- Name and job title of the hiring manager(s) for each requisition
- Date of hire for each requisition
- Name and job title of individual hired for each requisition

Please provide the requested items no later than **Monday, January 11, 2016**.

Thank you,

Hoan Luong