Job Title: Principal Automation Engineer - 1001165C
Oct 22, 2018 | US-CA, California Redwood City
Apply | 2000038828 | $88K

Senior Principal QA Engineer - 1001167C
Oct 19, 2018 | US-CA, California Redwood City
Apply | 2000075328 | $88K

Software Developer - Engineer - 1001103Y
Oct 5, 2018 | US-CA, California Redwood City
Apply | 1000114977 | $73K

Software Developer 3 - 10011774
Oct 5, 2018 | US-CA, California Redwood City, NL.HM.Herentals, Switzerland
Apply | 1000055292 | $73K

Software Developer 3 - 1001150C
Oct 5, 2018 | US-CA, California Redwood City
Apply | 1000062948 | $73K

Software Developer 3 - 1001103C
Oct 5, 2018 | US-CA, California Redwood City
Apply | 1000015043 | $73K

Software Developer 3 - 1001130C
Oct 3, 2018 | US-CA, California Redwood City
Apply | 1000051083 | $73K

Software Developer 4 - 10001776
Oct 5, 2018 | US-CA, California Redwood City, NL.HM.Rotterdam, Netherlands
Apply | 1000021253 | $73K

Software Developer 4 - 1000155F
Oct 2, 2018 | US-CA, California Redwood City
Apply | 1000027815 | $73K

Software Developer 4 - 1000132C
Oct 22, 2018 | US-CA, California Redwood City
Apply | 1000055023 | $73K

Oracle Recruiting
<table>
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<tr>
<th>Name</th>
<th>Address</th>
<th>District</th>
<th>Phone</th>
<th>Fax</th>
<th>Email</th>
<th>Website</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>Dr. Smith</td>
<td>123 Main St, Anytown, USA</td>
<td>District 1</td>
<td>555-1234</td>
<td></td>
<td><a href="mailto:smith@email.com">smith@email.com</a></td>
<td><a href="http://www.doctorsite.com">www.doctorsite.com</a></td>
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</tr>
<tr>
<td>Dr. Johnson</td>
<td>456 Elm St, Anytown, USA</td>
<td>District 2</td>
<td>555-5678</td>
<td></td>
<td><a href="mailto:johnson@email.com">johnson@email.com</a></td>
<td><a href="http://www.doctorsite.com">www.doctorsite.com</a></td>
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</tr>
<tr>
<td>Dr. Brown</td>
<td>789 Oak St, Anytown, USA</td>
<td>District 3</td>
<td>555-9876</td>
<td></td>
<td><a href="mailto:brown@email.com">brown@email.com</a></td>
<td><a href="http://www.doctorsite.com">www.doctorsite.com</a></td>
<td>Notes</td>
</tr>
</tbody>
</table>

Exhibit S
Page 52 of 70
<table>
<thead>
<tr>
<th>Syndicated Network Sites 1-1-2014 to 12-31-2014</th>
<th>Unique Job Seeker Visitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyond.com DirectEmployers</td>
<td>12753</td>
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<tr>
<td>American Job Center</td>
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<tr>
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<td>IMDiversity</td>
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<td>California State Job Bank</td>
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<tr>
<td>Beyond.com</td>
<td>659</td>
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<tr>
<td>Veterans Representatives</td>
<td>398</td>
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<td>Veterans.jobs</td>
<td>122</td>
</tr>
<tr>
<td>Think Beyond The Label</td>
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<tr>
<td>H2H.jobs</td>
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<td>Women For Hire</td>
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</tr>
<tr>
<td>RecruitMilitary</td>
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</tr>
<tr>
<td>LandAJob.org</td>
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<tr>
<td>veterancentral.com</td>
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<td>US Military Pipeline</td>
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<tr>
<td>Military Spouse Corporate Career Network (MSCCN)</td>
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<tr>
<td>VetSuccess.gov</td>
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<td>DiversityWorking.com</td>
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<tr>
<td>USA Cares</td>
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<td>Vats.jobs</td>
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<td>Save Our Veterans</td>
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<td>Agency for Persons with Disabilities</td>
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<td>DeafToWork.jobs</td>
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<td>Minority.jobs</td>
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<tr>
<td>Hiring Our Heroes</td>
<td>2</td>
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<tr>
<td>The Black Perspective</td>
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</tr>
<tr>
<td>Veterans Enterprise</td>
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</table>
Appraisal Super User

Employee Name: Forten, Scott
Manager: Campbell, Scott
Cost Center: R570 - Enterprise IT - ORCL
USA

Setup Details:
Initiator: Forten, Scott
Appraisal Period Start Date: 01-Jun-2011
Appraisal Period End Date: 31-May-2012
Template: FY12 Appraisal Template

Overall Rating and Comments:
Overall Rating: 3-Successfully meets expectations
Overall Comments: Scott,

Good work this year managing the NIS to LDAP/DSEE conversion. This is a challenging project since you are not typically able to specify requirements but instead have to deal with the solutions as they are developed by the IDM and PDIT Dev team.

Good work coming up to speed on DNS and ntp. Nice work showing leadership in the NTP service area.

Finally, congrats on finishing your work assisting GIT with the DNS service refresh.

Appraisee Feedback:

Details Shared with Appraisee:
- Overall Rating
- Overall Comments
- Participant Names
- Participant Ratings
- Participant Comments

Competency Ratings:
Details Competencies and Target Levels:
- Core, Business, Professional & Technical Depth and Credibility

Participant Ratings:
Details Participant:
- Campbell, Scott A
- Forten, Mr Scott (Scott)

Participation Type: Main Appraiser, Appraiser
Performance Rating: 3-Successfully meets expectations
### Core, Professional: Business Ethics

<table>
<thead>
<tr>
<th>Details Participant</th>
<th>Participation Type</th>
<th>Performance Rating</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell, Scott A</td>
<td>Main Appraiser</td>
<td>3 - Successfully meets expectations</td>
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</tr>
<tr>
<td>Forlen, Mr Scott (Scott)</td>
<td>Appraee</td>
<td>4 - Exceeds expectations</td>
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### Core, Professional: Customer Focus

<table>
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<th>Participation Type</th>
<th>Performance Rating</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Campbell, Scott A</td>
<td>Main Appraiser</td>
<td>3 - Successfully meets expectations</td>
<td></td>
</tr>
<tr>
<td>Forlen, Mr Scott (Scott)</td>
<td>Appraee</td>
<td>4 - Exceeds expectations</td>
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</table>

### Core, Professional: Innovation

<table>
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<tbody>
<tr>
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<td>Main Appraiser</td>
<td>4 - Exceeds expectations</td>
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<tr>
<td>Forlen, Mr Scott (Scott)</td>
<td>Appraee</td>
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</table>

### Core, Professional: Personal Drive

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<th>Participation Type</th>
<th>Performance Rating</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Campbell, Scott A</td>
<td>Main Appraiser</td>
<td>3 - Successfully meets expectations</td>
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<tr>
<td>Forlen, Mr Scott (Scott)</td>
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### Core, Professional: Problem Solving

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<tr>
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<td>3 - Successfully meets expectations</td>
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<tr>
<td>Forlen, Mr Scott (Scott)</td>
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### Core, Professional: Quality

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<tr>
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<td>Main Appraiser</td>
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<tr>
<td>Forlen, Mr Scott (Scott)</td>
<td>Appraee</td>
<td>3 - Successfully meets expectations</td>
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### Participant Ratings

<table>
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<th>Participation Type</th>
<th>Performance Rating</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell, Scott A</td>
<td>Main Appraiser</td>
<td>4 - Exceeds expectations</td>
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<tr>
<td>Forsten, Mr Scott (Scott)</td>
<td>Appraee</td>
<td>3 - Successfully meets expectations</td>
<td></td>
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</table>

- Skills: Core, Professional, Teamwork

### Participant Ratings

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<tr>
<th>Details Participant</th>
<th>Participation Type</th>
<th>Performance Rating</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Campbell, Scott A</td>
<td>Main Appraiser</td>
<td>3 - Successfully meets expectations</td>
<td></td>
</tr>
<tr>
<td>Forsten, Mr Scott (Scott)</td>
<td>Appraee</td>
<td>4 - Exceeds expectations</td>
<td></td>
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</table>

| Skills: Functional, IT, Measurement & Metrics |

### Participant Ratings

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<tr>
<th>Details Participant</th>
<th>Participation Type</th>
<th>Performance Rating</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell, Scott A</td>
<td>Main Appraiser</td>
<td>3 - Successfully meets expectations</td>
<td></td>
</tr>
<tr>
<td>Forsten, Mr Scott (Scott)</td>
<td>Appraee</td>
<td>3 - Successfully meets expectations</td>
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### Objectives

<table>
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<tr>
<th>Details Objective Name</th>
<th>Start Date</th>
<th>Target Completion Date</th>
<th>Achievement Date</th>
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<tr>
<td>No results found.</td>
<td></td>
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### Questionnaire: Appraee
Questionnaire Name: Questionnaire for Appraiser

1. Summarize the major accomplishments achieved during this performance appraisal period.
   - Built new YPmaster Server (still in UAT) and working with APS team to finalize cutover.
   - Built a DNS OS and post install for P1M00 DNS Tech Refresh project.
   - Built a domU image for virtual DNS servers which was deployed for use by PDJS QIC dns servers.

2. List areas to be further developed in order to increase your importance or strengthen your job performance.

3. List the most and least satisfying aspects of your job.

4. Describe your short and long term career and professional development goals.
   - Become "the" go to guy for DNS issues and resolutions. Start learning the infrastructure for BigIP.

5. List any additional comments for this performance appraisal period.

Questionnaire: Main Appraiser

Questionnaire Name: Questionnaire for Main Appraiser

Participants

<table>
<thead>
<tr>
<th>Details Full Name</th>
<th>Participation Type</th>
<th>Questionnaire Name</th>
<th>Comments Status</th>
<th>Last Notified Date</th>
<th>Date Completed</th>
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<tr>
<td>Campbell, Scott</td>
<td>Main Appraiser</td>
<td>Questionnaire for Main Appraiser</td>
<td>Completed</td>
<td>14-Sep-2012</td>
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</table>
Exhibit D
<table>
<thead>
<tr>
<th>User</th>
<th>Participating Type</th>
<th>Performance Rating</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe</td>
<td>Market Analyst 1</td>
<td>Poor</td>
<td>Needs improvement; lacks initiative; should focus on process improvements.</td>
</tr>
<tr>
<td>Mary</td>
<td>Market Analyst 2</td>
<td>Needs Improvement</td>
<td>Requires training in market trends.</td>
</tr>
<tr>
<td>John</td>
<td>Market Analyst 3</td>
<td>Average</td>
<td>Sufficient, but can improve in areas of communication and teamwork.</td>
</tr>
<tr>
<td>Sue</td>
<td>Market Analyst 4</td>
<td>Good</td>
<td>Excellent communicator; strong work ethic.</td>
</tr>
<tr>
<td>Tim</td>
<td>Market Analyst 5</td>
<td>Excellent</td>
<td>Consistently exceeds expectations; drive to succeed.</td>
</tr>
</tbody>
</table>

**Overall Comments:**
- Joe: Needs to focus on initiative and process improvements.
- Mary: Requires training in market trends.
- John: Sufficient performance; needs improvement.
- Sue: Excellent communicator; strong work ethic.
- Tim: Exceeds expectations; strong drive to succeed.
### Performance Ratings

<table>
<thead>
<tr>
<th>Performance Type</th>
<th>Performance Rating</th>
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<tbody>
<tr>
<td>Overall Performance</td>
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<td>Performance Rating 4: Exceeds Expectations</td>
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<tr>
<td>Professional Quality</td>
<td>3</td>
<td>Successfully meets expectations</td>
</tr>
<tr>
<td>Problem Solving</td>
<td>5</td>
<td></td>
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<tr>
<td>Management Style</td>
<td>4</td>
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<tr>
<td>Interpersonal Skills</td>
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<td></td>
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<tr>
<td>Time Management</td>
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<td>Communication Skills</td>
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<tr>
<td>Leadership</td>
<td>4</td>
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</tr>
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</table>

### Personal Development

- Functional Development (Technical Skills)
  - Performance Rating: 4: Exceeds Expectations
  - Comments: Successfully meets expectations

- Functional Development (Support and Maintenance)
  - Performance Rating: 4: Exceeds Expectations
  - Comments: Successfully meets expectations

- Functional Development (Technical Skills)
  - Performance Rating: 4: Exceeds Expectations
  - Comments: Successfully meets expectations

### Objectives

- Objective 1
  - Target Completion Date: 31-Jan-2021
  - Comments: Successfully completed on time.

- Objective 2
  - Target Completion Date: 31-Aug-2021
  - Comments: Successfully completed on time.

### Additional Notes

- Additional comments on performance and development.
Oracle Self-Service Human Resources: Appraisal Review

https://global-business.oraclecorp.com/OA_HTML/OA.jsp?page=/ora...
<table>
<thead>
<tr>
<th>Name</th>
<th>Department</th>
<th>Job Title</th>
<th>Start Date</th>
<th>End Date</th>
<th>Hours per Week</th>
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<tr>
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<td>HR</td>
<td>Manager</td>
<td>01/01/2020</td>
<td>12/31/2020</td>
<td>40</td>
<td>Performance Feedback - Met all expectations</td>
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<td>Jane Smith</td>
<td>Sales</td>
<td>Rep</td>
<td>01/01/2020</td>
<td>12/31/2020</td>
<td>35</td>
<td>Training completed on sales techniques</td>
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<tr>
<td>David Lee</td>
<td>IT</td>
<td>Analyst</td>
<td>01/01/2020</td>
<td>12/31/2020</td>
<td>45</td>
<td>Code reviews performed on a weekly basis</td>
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</table>

**Exhibit S**

Page 68 of 70
Oracle Self-Service Human Resources: Appraisal Review

https://global-ebusiness.oraclecorp.com/OA_HTML/OA.jsp?page=oracl...

<table>
<thead>
<tr>
<th>Name</th>
<th>Department</th>
<th>Manager/Supervisor</th>
<th>Overall Score</th>
<th>Performance Goals</th>
<th>Action Plan</th>
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<tbody>
<tr>
<td>John Doe</td>
<td>Accounting</td>
<td>Jane Roe</td>
<td>4.0</td>
<td>Increase revenue</td>
<td>Train new employees</td>
</tr>
<tr>
<td>Mary Smith</td>
<td>Human Resources</td>
<td>Bob Lee</td>
<td>3.5</td>
<td>Improve customer satisfaction</td>
<td>Attend workshops</td>
</tr>
</tbody>
</table>

Exhibit S
Page 70 of 70
January 9, 2017

CONCILIATION COMMUNICATION – SUBJECT TO FRE 408

VIA ELECTRONIC MAIL ONLY

Gary R. Siniscalco
Erin M. Connell
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, CA 94105-2669
grsiniscalco@orrick.com
econnell@orrick.com

Re: OFCCP Enforcement Referral in Compliance Evaluation at
Oracle America, Inc. Redwood Shores, CA Facility

Dear Counsel:

As you know, the Office of Federal Contract Compliance Programs ("OFCCP") recently audited Oracle America, Inc.'s Redwood Shores facility for its compliance with equal employment opportunity laws enforced by the agency. The agency has referred the matter to us for enforcement. Based on OFCCP's audit, we are preparing to file a complaint with the Office of Administrative Law Judges against Oracle alleging violations of Executive Order 11246.

The anticipated complaint will include violations identified in the Notice of Violation ("NOV") OFCCP served on Oracle on March 11, 2016 (see Attachment A).

In the approximately ten months that followed the issuance of the NOV, before and after the agency issued its June 8, 2016 Notice to Show Cause, OFCCP engaged in conciliation efforts with Oracle in an attempt to resolve these violations. OFCCP’s efforts included an in-person meeting on October 9, 2016 between the agency’s personnel and Oracle's counsel at which the agency set forth its proposed back pay figures. Oracle has not submitted a counter-offer, insisting instead that it is not liable.

Before filing the complaint, we would like to offer you a final opportunity to resolve Oracle’s violations without the time and expense of litigation. Consistent with OFCCP’s initial offer, we will only agree to a settlement if it redresses the violations by providing a meaningful and effective remedy for the affected class members, including providing appropriate
compensation for employees, provisions to ensure prior violations are remedied prospectively, and mechanisms to permit appropriate monitoring.

If Oracle is interested in resolving this case before a complaint is filed, we ask that the company make its best and final counteroffer by January 12, 2017. If we conclude that your proposal is insufficient, we will proceed to file our administrative complaint without further correspondence.

Very truly yours,

JANET M. HEROLD
Regional Solicitor

By

Ian H. Eliasoph
Counsel for Civil Rights

Attachment
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:


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)

1. 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 American.
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.

---


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 PTI 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,

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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).³

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.

³ 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).

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**

<table>
<thead>
<tr>
<th>Year</th>
<th>Class</th>
<th>Number of Female Class Members</th>
<th>Standard Deviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Female Information Technology Employees</td>
<td>133</td>
<td>-2.71</td>
</tr>
<tr>
<td>2014</td>
<td>Female Product Development Employees</td>
<td>1,207</td>
<td>-8.41</td>
</tr>
<tr>
<td>2014</td>
<td>Female Support Employees</td>
<td>47</td>
<td>-3.67</td>
</tr>
</tbody>
</table>

---

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.

<table>
<thead>
<tr>
<th>Year</th>
<th>Class</th>
<th>Number of Black Class Members</th>
<th>Standard Deviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>African American Product Development Employees</td>
<td>27</td>
<td>-2.10</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Class</th>
<th>Number of Asian Class Members</th>
<th>Standard Deviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Asian Product Development Employees</td>
<td>3,086</td>
<td>-6.55</td>
</tr>
</tbody>
</table>

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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

<table>
<thead>
<tr>
<th>Salary Difference at Oracle</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>2014</td>
</tr>
<tr>
<td>2014</td>
</tr>
</tbody>
</table>

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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.
January 17, 2017

Via E-Mail and U.S. Mail

Ian H. Ellasoph
U.S. Department of Labor
Office of the Solicitor
300 Fifth Avenue, Suite 1120
Seattle, Washington 98104-2397

Re: Oracle America, Inc., Redwood Shores, California (OFCCP No. R00192599)

Dear Ian:

This letter addresses the sudden notice you sent on January 9, 2017 of your stated intent to file a complaint against Oracle America, Inc. in the next few days. As you are aware, we have been very concerned about OFCCP’s conduct in this matter. Our concern extends to the Department of the Labor’s pre-enforcement conduct.

Throughout OFCCP’s investigation we have detailed the Agency’s prejudicial and improper conduct, including baseless threats to bring a criminal action against company employees, fabrication of facts regarding OFCCP’s requests and Oracle’s responses, failure to follow its own Federal Contract Compliance Manual, and other conduct clearly reflecting prejudice towards Oracle. Then, without any prior notice, OFCCP issued a specious Notice of Violation predicated on few to no facts, improper use of aggregate statistics, and groundless legal claims. For example, the NOV purports to apply a negative presumption against Oracle for allegedly not providing records. But no facts or law warrant any such presumption, as no evidence exists that Oracle destroyed records and it is undisputed that OFCCP ignored Oracle’s correspondence with regard to records. In spite of Oracle’s efforts to engage in good faith conciliation, and refusals by OFCCP to provide the information and predicate analyses needed to further that conciliation, your office now requires a demand of some dollar amount, essentially in a vacuum of detail from the Agency, or else you say you will file what clearly is a midnight complaint.

It is well-known that the current administration and senior officials at OFCCP have a vested interest in securing “wins” on the compensation front, and that once filed a complaint would be unlikely to be withdrawn by the new administration. It is important to underscore—as the Department of Justice did in its March 9, 2012 memorandum—that federal civil service
employees are held to a standard where they "must be particularly sensitive to safeguarding the Department's reputation for fairness, neutrality and nonpartisanship":

Simply put, politics must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges. Law enforcement officers and prosecutors may never select the timing of investigative steps or criminal charges for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party.

We assume that the Department of Labor and the attorneys of the Office of the Solicitor share these values.

We understand, lan, that you have been authorized by "higher-ups" in the Department to suddenly and quickly file a complaint. It is no secret that Oracle's CEO is a member of the incoming administration's transition team. To the extent the timing here is motivated in whole or in part to advantage the outgoing Democratic administration, or to disadvantage the incoming Republican administration, such motivations would plainly be inappropriate. This is especially true here given the issues raised above and previously, as well as the manifest lack of any reasonable conciliation efforts or substantive discussion since October 10, 2016. As we move towards the last week of the outgoing administration, we strongly advise that OFCCP and the Office of the Solicitor refrain from any unwarranted rush to file. We are confident that any ALJ, and certainly new DOL management, would view any filing under these circumstances as improper.

Notwithstanding what we believe to be improper process, Oracle continues to be willing to address and resolve the alleged violations, consistent with applicable legal standards. We therefore request that you, or your client at OFCCP, promptly provide Oracle with a specific and appropriate set of proposed monetary remedies and other provisions that would reasonably and in good faith allow Oracle to assess the Agency's conciliation demands, and that OFCCP engage in a responsible further dialogue regarding both the facts and merits of the legal theories underlying its findings. To date, we have received only verbal sketches of proposals that the OFCCP itself describes as formula-based "estimates" and acknowledges do not take into account any mitigation. We look forward to receiving an appropriately detailed proposal so that conciliation efforts can move forward productively.

Very truly yours,

Gary R. Siniscalco
Siniscalco, Gary R.

From: Eliasoph, Ian - SOL <Eliasoph.Ian@dol.gov>
Sent: Tuesday, January 17, 2017 8:51 AM
To: Connell, Erin M.
Cc: Siniscalco, Gary R.; Bremer, Laura - SOL
Subject: Re: Oracle America, Inc. Redwood Shores

Dear Gary and Erin,

We are disappointed that instead of focusing on the merits of this case, Oracle is attempting to avoid a legitimate filing through obfuscation of the record and intimidation tactics. The claim that this litigation is "sudden" is belied by the fact that the NOV was issued in March, conciliation broke down almost immediately, the Show Cause was issued in early June, and we had a conciliation meeting in early October where we gave Oracle a last chance to provide meaningful additional data to support its position or a meaningful counter-offer. The deadline was in late October. To date, Oracle still has done neither. Moreover, you received a letter from OFCCP on December 6 explicitly saying that the case had been referred for enforcement. Thus, your claim that this case is not ripe or that this litigation was suddenly sprung upon you is hollow and the timeline similarly belies your claim of political bias, as does the fact that OFCCP is pursuing claims against companies from across the political spectrum.

As for the more deliberate calculation on back wages, we explained in October that our settlement amounts are preliminary because Oracle holds the data we need to perform a more complete back pay analysis. Since Oracle has not provided the data needed, we have no further calculations to discuss. Also, as you know, mitigation is Oracle's burden, so if it seeks to have it included in the back pay, you should have provided that info.

We will send you the complaint as soon as it is filed.

-Ian

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From: Connell, Erin M. <econnell@orrick.com>
Sent: Tuesday, January 17, 2017 6:54:22 AM
To: Eliasoph, Ian - SOL
Cc: Siniscalco, Gary R.; Smith, M. Patricia - SOL; Bissell, Katherine - SOL
Subject: Oracle America, Inc. Redwood Shores

Dear Ian,

Please see attached correspondence. Thank you.

Best Regards,

Erin Connell

Erin M. Connell

Partner