

("OFCCP") an Agency of the United States government, with its business address at 90 7th Street Suite 18-300 San Francisco, CA 94103. In that capacity, I oversee investigations conducted by the OFCCP in the Pacific Region (covering Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington), involving the enforcement of the Executive Order 11246, as amended, Section 503 of the Rehabilitation Act and Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act. I have had oversight of the compliance review of Oracle America, Inc. at its headquarters location in Redwood Shores, CA since the compliance review was initiated in September of 2014.

2. I possess personal knowledge of the matters set forth in this declaration. I am competent to testify to the same, and if called to testify my testimony would be as stated in this declaration.

3. On March 11, 2016, OFCCP issued a Notice of Violation ("NOV") to Oracle regarding the compliance review of its headquarters facility.

4. About two weeks after the NOV was issued, OFCCP invited Oracle to participate in a face-to-face meeting to discuss the issues identified by the NOV.

5. Oracle and OFCCP engaged in extensive correspondence. On September 9, OFCCP again extended the invitation to Oracle to engage in a face-to-face meeting to discuss the issues identified by the NOV. Oracle accepted the invitation, and Oracle and OFCCP met on October 6, 2016.

6. I personally attended the October 6, 2016 meeting. OFCCP explained that Oracle's objection to OFCCP's use of job title and career level as variables in its analysis was inconsistent with what OFCCP learned about Oracle's compensation system through its review.

OFCCP also explained that it considered Oracle's assertion that each employee was too unique in intangible ways to be pooled for analysis was unpersuasive. Oracle insisted that variations in its business rendered multiple regression analysis of its workforce inappropriate. OFCCP informed Oracle that it would need to do more than repeat the same legal positions that OFCCP had already rejected in responding to the NOV.

7. Also, at the October 6th conciliation meeting, OFCCP presented an approximation of back wages based on the limited information it had and carrying the violations forward to the present, as Oracle had not indicated that it had made any change in its employment practices. OFCCP presented damages at approximately \$22 million per year for the compensation discrimination violations and between \$64 and \$168 million for the hiring violations. That range did not take into account mitigation of lost wages, as Oracle had not provided any such information. OFCCP also informed Oracle of the shortfalls in hiring resulting from its statistical model. At the meeting, OFCCP identified other remedies it was seeking for the compensation violations and for recruiting and hiring violations.

8. At the October 6th conciliation meeting, Oracle offered no substantive rebuttal of the NOV. It did not provide a competing analysis of the information it had provided to OFCCP during the investigation showing no disparity in pay or hiring. It did not provide additional information that would impact OFCCP's assessment of its employment practices.

9. Based on the discussion, I left the October 6th meeting with the understanding that Oracle would respond to the NOV in substance or provide a meaningful settlement proposal.

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I swear under penalty of perjury that the foregoing is true to the best of my knowledge and that this document was executed on this 12th day of May, 2017 in San Francisco, California.



Jane Suhr
Deputy Regional Director,
OFCCP, United States Department of Labor