

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 January 2017

Case Number: 2017-OFC-00006

In the Matter of:

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

Plaintiff

v.

ORACLE AMERICA, INC.,

Defendant.

NOTICE OF DOCKETING

This case arises under Executive Order 11246, 30 Fed. Reg. 12319, as amended, and regulations pursuant to 41 C.F.R. Chapter 60. Jurisdiction over this action exists under Sections 208 and 209 of Executive Order 11246, and 41 C.F.R. Part 60-30. This matter was docketed in the Office of Administrative Law Judges (“Office”) on January 17, 2017, when the Regional Solicitor, San Francisco office, U.S. Department of Labor, on behalf of the Office of Federal Contract Compliance Programs, (“Plaintiff”) filed an Administrative Complaint.¹ All papers filed in the future are required to bear the case number listed above. A notice of time and place of hearing or prehearing conference will be issued in due course.

¹ Plaintiff alleges that “from at least January 1, 2014, and on information and belief, from 2013 going forward to the present,” Defendant, at Oracle Redwood Shores, discriminated against (i) “qualified female employees in its Information Technology, Product Development, and Support lines of business or job functions”; (ii) “qualified African Americans in Product Development roles”; and (iii) “qualified Asians in Product Development job functions.” Plaintiff further alleges that “from at least January 1, 2013 and on information and belief, going forward to the present,” Defendant, at Oracle Redwood Shores, utilized “a recruiting and hiring process that discriminates against qualified African American, Hispanic and White . . . applicants in favor of Asian applicants . . . for positions in the Professional Technical 1, Individual Contributor . . . job group and Product Development line of business.” Finally, Plaintiff alleges that Defendant has refused to produce all relevant data and records during the compliance evaluation. Plaintiff seeks a finding that Defendant’s “hiring and compensation policies violate Executive Order 11426” and to have Defendant (i) enjoined from refusing to comply with the above Executive Order; (ii) required “to provide complete relief to the affected classes, including lost compensation, interest, and all other benefits of employment resulting from [Defendant’s] discrimination”; and (iii) debarred from future government contracts until it satisfies Plaintiff that it has come into compliance, as well as cancellation of current government contracts.

Prehearing Exchange

To assist in the scheduling and assignment of this case, it is hereby **ORDERED** that each party within thirty (30) days from the date of this notice shall:

1. File a witness list with a summary of the expected testimony of each witness;
2. Identify any other proceeding which is related to, or may affect the progress of this case, and explain the nature of the relationship to the instant case;
3. Suggest a suitable location for the trial of the instant case and explain the preference for that location. It will be helpful for any of the parties to identify potential court or hearing room facilities;
4. State the approximate number of days required for trial; and
5. Exchange copies of proposed documents and exhibits prior to the hearing. Any documentary evidence not furnished will be excluded from the record unless good cause is shown for such failure to produce.

Defendant must also specifically admit, explain, or deny each of the allegations in the Administrative Complaint. Failure to plead specifically constitutes an admission of the allegations. 41 C.F.R. § 60-30.6(b).

The parties are requested to take prompt action with a view to stipulating facts and documents that are not in dispute, and to confer with respect to possible compromise of the issues in controversy and settlement of the case. Additional orders may be issued to further expedite preparation of the case for hearing.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge