

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

Case No. 2017-OFC-00006

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APR 10 2019

Office of Administrative Law Judges
San Francisco, Ca

**DECLARATION OF JEREMIAH MILLER IN SUPPORT OF OFCCP’S MOTION TO
COMPEL HISTORICAL DATA OF COMPARATOR EMPLOYEES**

I, Jeremiah Miller, state and declare as follows:

1. I am Counsel for Civil Rights for the U.S. Department of Labor, Office of the Solicitor, and co-counsel for Plaintiff in this action. I submit this declaration in support of OFCCP’s Motion to Compel Historical Data. I have personal knowledge of the matter set forth in this declaration, and I could and would competently testify thereto if called upon to do so.

2. Oracle produced a spreadsheet at ORACLE_HQCA_0000070738 identifying several features of the employees employed in Product Development, Support and Information Technology job functions between 2013 and early 2017. That spreadsheet identified, among other things, the first date upon which an employee was hired in a column entitled “Date First Hired.” It also identified work locations for those employees.

3. Oracle produced another spreadsheet at ORACLE_HQCA_0000062858. That spreadsheet identifies Oracle’s work location codes included in the HQCA affirmative action plan.

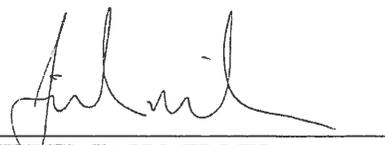
4. Using Microsoft's Excel program, I filtered the data in ORACLE_HQCA_0000070738 so that only employees with a work location corresponding to HQCA (as defined in ORACLE_HQCA_0000062858) remained. Then, I matched those employees through a numerical identifier (in a column labeled "PERSON_ID") with the "Date First Hired" values. I then used Excel to count the number individuals, employed by Oracle between 2013 and early 2017, in Product Development, Support and Information Technology, hired by year. The total number of hires between 2013 and early 2017 in my analysis was 7,493.

5. I further analyzed the information I had obtained in paragraph 4, *supra*, to determine the percent of those employed as employees between 2013 and early 2017 in Product Development, Support and Information Technology job functions that had been hired in a given year. I did this by dividing the number of hires in a given year by the total number of individuals employed as employees between 2013 and early 2017 in Product Development, Support and Information Technology job functions (7,493).

6. I further analyzed the information I had obtained in paragraph 4, *supra*, to determine what percentage of those employed as employees between 2013 and early 2017 in Product Development, Support and Information Technology job functions had complete comparator information by year. That is, I calculated the ratio of employees that had all possible comparators, including those which had departed Oracle before a specific year relative to the total.

7. The results of paragraphs 4-6 are expressed in Table 1 in OFCCP's Motion to Compel Historical Data of Comparator Employees.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in Seattle, Washington on April 9, 2019.


JEREMIAH MILLER
Counsel for Civil Rights