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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

Office of Administrative Law Judges
Washington, D.C. 20540

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

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

**DECLARATION OF GARY
SINISCALCO IN SUPPORT OF
ORACLE AMERICA, INC.'S
OPPOSITION TO OFCCP'S
MOTION TO COMPEL
ORACLE'S COMPENSATION
ANALYSES**

I, GARY R. SINISCALCO, hereby declare as follows:

1. I am Senior Counsel at Orrick, Herrington & Sutcliffe LLP, counsel of record for Oracle America, Inc. ("Oracle"). I submit this declaration in support of Oracle's Opposition to OFCCP's Motion to Compel Oracle's Compensation Analyses. If called as a witness, I could and would testify competently to the matters set forth herein.

2. I understand that OFCCP's Motion seeks pay equity analyses that were conducted by Oracle.

3. I have advised and represented Oracle on employment discrimination issues since 1990. Besides communication with Ms. Holman-Harries and her team, I communicate with in-house employment counsel and, where appropriate, with senior management of Oracle on legal issues regarding pay. Additionally, I advise a wide range of Fortune 200 companies on their EEO obligations, especially with regard to non-discrimination and legal risks associated with pay under applicable federal and state pay discrimination laws.

4. Since 2013 alone, I have been involved in over 40 OFCCP compliance reviews for Oracle around the country.

5. As I explained in my prior August 25, 2017 declaration in support of Oracle's

**SINISCALCO DECL. ISO ORACLE'S OPPOSITION TO OFCCP'S MOTION TO COMPEL
ORACLE'S COMPENSATION ANALYSES**

opposition to an earlier motion to compel brought by OFCCP, for many reasons, in addition to Oracle's own non-discrimination policies, assessing compliance and legal risks is good corporate governance and human resource policy. In addition, Oracle like other companies, regularly seeks advice and assistance from legal counsel to analyze employment decisions, policies and practices. Therefore, some pay equity analyses may be done internally as part of HR/compliance oversight.

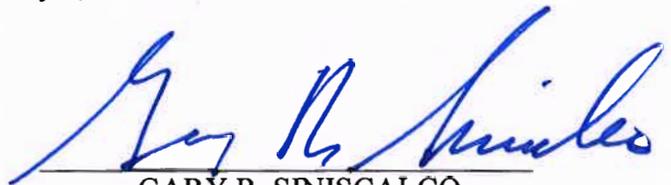
6. All of the pay equity analyses sought by OFCCP's Motion were done at my direction for the purpose of offering legal advice to Oracle. These analyses were also done for the purposes of providing advice in matters that could lead to litigation. They were always intended to remain confidential and not to be disseminated beyond Ms. Holman-Harries' team and Oracle's outside counsel, including myself.

7. For example, on or about August 12, 2013, I provided guidance to Shauna Holman-Harries, Oracle's Senior Director of Diversity Compliance, and her team, about how to conduct pay equity analyses and the data points to use.

8. None of the pay equity analyses that OFCCP seeks were conducted for the purpose of complying with 41 CFR 60-2.17.

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

Executed in San Francisco, California on July 3, 2019.



GARY R. SINISCALCO