

**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.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DECLARATION OF BALAJI  
BASHYAM IN SUPPORT OF  
DEFENDANT ORACLE  
AMERICA, INC.'S MOTION FOR  
SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, FOR  
PARTIAL SUMMARY  
JUDGMENT**

**REDACTED PURSUANT TO COURT ORDER**

I, Balaji Bashyam, declare as follows:

1. I make this declaration in connection with Oracle America, Inc.'s ("Oracle") motion for summary judgment or, in the alternative, for partial summary judgment. This declaration is based on my personal knowledge. If called as a witness, I could and would testify competently as to its contents. Before signing this declaration, I read it carefully to make sure it was accurate, and it is. I was not pressured or required to sign this declaration, and am providing this declaration voluntarily.

2. I am the Senior Vice President, Global Customer Support, Cloud Services at Oracle. I am responsible for leading the "Software as a Service" ("SaaS") group. I report to Charles Rozwat, who leads Customer Services for Oracle, which offers customer-facing support for Oracle's portfolio of products. I have held this specific title since March of 2018, but have been in my current role for approximately five years.

3. I have been employed by Oracle since 1997. I have worked in Customer Services since coming to Oracle. I began as an individual contributor, then, before assuming my current role, moved on to run technical support (focusing on, for instance, database and middleware).

4. On a high level, Customer Services provides client-facing services related to a wide variety of applications that can be grouped into two very broad categories. There are cloud-based products, meaning applications in the cloud, and there are "on-premise" products, which have both hardware and software components and come in different types. Within the cloud-based organization, there are currently two basic groups of applications—my group ("SaaS") and Platform as a Service ("PaaS"), which is led by Richard Sarwal (who also leads the on-premise portfolio of products). Each of these groups focuses on a different set of products. There was previously a third grouping, Infrastructure as a Service ("IaaS"), but this group has since moved to reporting alongside various development roles up to Don Johnson. SaaS is bigger in terms of revenue and headcount, and it continues to grow rapidly.

5. As the leader of SaaS Support, I am familiar with the wide variety of cloud-based products for which employees in my group provide customer-facing support. I am also familiar with PaaS and on-premise products and how they compare to the products in my group. My familiarity with PaaS and the on-premise group comes from my many discussions with my colleagues, including Richard Sarwal, and also from the fact that I have been working within the Customer Services line of business for 22 years in various roles.

6. Prior to 2015, all the support sub-groups of Oracle's applications and services used to operate under a single organization. In 2015, the SaaS group split from the IaaS and PaaS groups because the products had different customers and required employees to deliver different levels and types of support. As discussed above, IaaS is now a part of Don Johnson's organization. Because of the split in 2015, SaaS now uses a different support model and works very closely with the development teams that report up to Steve Miranda.

7. Because of the differences in the customer base for certain products, and in the services we offer for those products, different products often require a different skill set, level of experience, and training. So while on a high level, all support personnel help customers solve problems, two individuals who share the same job title but who work on different products will generally have different responsibilities and will also need to have different training and experience. This is particularly apparent when comparing two engineers who share the same job title and level, but one engineer works on a cloud-based product and the other works on an on-premise product. In the on-premise service world, any time a customer logs a service request, or a "ticket," there is a lot of responsibility on the customer to show us the diagnostics. In the cloud service world, we can run the diagnostics if the customer permits it, so a SaaS engineer would need to know how to run those diagnostics. Moreover, in the on-premise world, customers may upgrade their applications every 2 to 3 years, or even 5 to 6 years, depending on the application. In the cloud world, upgrades happen every quarter, or every 3 months, so there is a lot more responsibility on the support team to keep everything refreshed and up to date. In addition, the

support for cloud-based products often requires a greater degree of automation and efficiency than on-premise products, so an engineer who works on cloud-based products may need to be knowledgeable in automation (whereas an engineer who works on on-premise products may require these skills to a lesser extent).

8. Even within SaaS, which is all cloud-based, there is a wide range of products that require different duties and skill sets. For example, our products Taleo and Fusion are at different life cycles and require different support models. Taleo is a product used for the hiring process. Oracle acquired Taleo through an acquisition in 2012. Taleo is extremely stable, which means it is not going to go through a lot of change. It is comparatively easy to find someone with the level of expertise required to provide service for a mature product like Taleo.

9. Fusion, by contrast, is a fairly new product that is growing approximately 50-60% every quarter. Fusion is a cloud-based digital business platform. When a product is not very mature, like Fusion, support engineers have to do much more complex work to diagnose problems. Fusion engineers often need to interface with our core development team. With a new product, new releases and new features are common. When there is a new release of Fusion, it is packed with numerous new features, and customers ask numerous questions when they are attempting to try different combinations of the features, and there could be defects they run into. To resolve these issues, a support engineer working on Fusion is going to play a much more active role than an engineer working on Taleo.

10. Because of the difference between the level of training and expertise required for servicing cloud-based products versus on-premise products, I am looking for job candidates with skill sets that differ. SaaS is one of the Customer Services groups that is growing, so I am constantly looking for new hires with cutting edge experience in supporting cloud-based products. In contrast, it is much easier to find candidates for the on-premise products because a lot of people in the market have experience with on-premise products. For SaaS, we are looking for different candidates: those who know the new generation of cloud products and have Fusion

knowledge. There are fewer of these second kind of candidates, and they are in high demand. We have consistently faced strong competition for talent from other players in the cloud area, including large companies such Amazon and Microsoft as well as small start-ups. Because of this, sometimes, if I cannot find a candidate who is knowledgeable about cloud-based products and has the right level of expertise, I will look for candidates with some domain knowledge and then provide training to them. Some of our hires are internal transfers from on-premise, but we have to take time to train those people because they do not have the necessary skill and experience we require, nor are they knowledgeable about specific cloud-based support methodologies.

11. Whether it is a current employee or outside hire, a candidate with cloud-based experience may command a higher salary than another candidate who is lacking in that experience. Cloud-based products require modern techniques, and the market is extremely competitive for those individuals. For example, if we find an extraordinary candidate from another company who did a lot of great implementations, we would pay a premium for that candidate.

12. SaaS engineers also differ in terms of their productivity, which is one of the many factors we look at when determining compensation. For example, an engineer's productivity can be related to the complexity of the product. An analyst working on a less complex product may be able to handle a higher number of tickets per day, whereas if an analyst is working on a more complex product, which could also require more expertise and training, that analyst may be able to handle a fewer number of tickets per day. A strict numeric count of "tickets processed" would not adequately reflect the skill or effort of different individuals, given that some tickets are very complex or require niche knowledge while others may be simpler to resolve, such that a broader group of employees with more general skill sets could assist.

13. When an employee rises to the manager level, product type and the location where the manager is based can influence compensation. If a Product Support Senior Manager

leads a team focused on a product that is highly strategic, that manager will have additional job duties that will be considered when setting their compensation. For example, currently there is a female Product Support Senior Manager on my team [REDACTED] a male Product Support Senior Manager. The female Product Support Senior Manager works on financial products [REDACTED] The male Product Support Senior Manager is focused on a product called CRM on demand, by contrast. The [REDACTED]

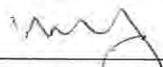
14. There are meaningful differences in job duties for employees at different career levels within the SaaS group. For instance, there are differences in their level of participation in critical and complicated customer issue resolutions, the extent to which they are mentoring others, and their level of knowledge of the products they support. As a result, there are different expectations for a Technical Analyst 4 role (IC4 career level) versus a Technical Analyst 2 role (IC2 career level), for example. Among other job duties, my organization relies on Technical Analyst 4s to take the lead on resolving complex customer escalations according to their areas of expertise, such as helping a customer try different combinations of newly-released features within Fusion. Employees in a Technical Analyst 4 position generally have a high level of knowledge regarding the product(s) they work on—such as Taleo or Fusion—because, in most cases, they have worked on the same product for several years. In addition, these employees also have a mentoring role by training and overseeing the work of more junior employees. In contrast, Technical Analyst 2s generally do not have in-depth knowledge of their respective products and work under the direction of higher level employees. Technical Analyst 2s usually

handle relatively lower level customer questions related to the specific products they support, such as resolving customer login issues for Taleo.

15. In my organization, candidates are generally hired into the positions for which they applied. In other words, if a hiring manager is looking to fill a position based on certain requirements (i.e. level of experience and skill level), he or she generally hires a candidate who fits those requirements. On very rare occasions, managers come across candidates who are over-qualified for the position for which they applied. For example, a superstar candidate with skills and experience akin to an IC4 career level may apply for an open IC3 position. In such circumstances, and to avoid a lost opportunity to hire exceptional talent, a hiring manager may hire that person as an IC4. Such situations, however, are the exception and not the rule, and are made on a case-by-case basis considering the particular experience and expertise of the candidate at issue, as well as the business needs of the organization.

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

Executed in Redwood City, California on September 19, 2019.



---

Balaji Bashyam