

**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 JANET
CHAN 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, Janet Chan, declare as follows:

1. I make this declaration in support of Oracle America Inc.'s ("Oracle") motion for summary judgment or, in the alternative, for partial summary judgment. I have personal knowledge of the matters contained in this declaration. If called to testify to the information in this declaration, I could do so competently.

2. I know that I am one of the employees whose compensation is at issue in this lawsuit. I understand that the attorneys who interviewed me and assisted in preparing this declaration for me represent Oracle and do not represent me. 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. I am providing this declaration voluntarily.

3. I am an Asian female and a current Oracle employee. I work in the Product Development job function and my system job title is Program Mgmt Sr Director-ProdDev. My job code is 66689 and my career level is M5. I report to Meeten Bhavsar, a Product Development Senior Vice President, and I work in the line of business led by Steven Miranda, Executive Vice President of Oracle Applications Product Development. I am based in Redwood Shores, California.

4. Prior to joining Oracle, I worked at AT&T. In 1996, I applied and was hired for the Software Developer 3 position on the Oracle Database product development team, and worked my way to a Software Developer 5 in just over a year. Oracle Database is a type of database server that stores and retrieves large amounts of information, primarily for large enterprise companies. As a Software Developer, I supported and coordinated the implementation of updates, called "releases," to the Oracle Database. My role was to ensure that the updates worked properly under a set of technical production criteria before the release was delivered to

customers. In 2003, I moved to Oracle Enterprise Manager (EM) Team, which was an offshoot from my database team and fell under the same umbrella of a larger team formerly known as Server Technologies. EM is a set of web-based tools aimed at managing software and hardware produced by Oracle and other technology companies. I moved to the EM team because I saw it as an opportunity to expand my program management skills. Indeed, on that team, I was promoted to a Software Development Snr Manager. The EM team was and is still led by Vinita Pauniker. One of Vinita's peers on the EM team, Meeten Bhavsar, then managed a product called MyOracleSupport, an application that allowed Oracle customers to open service requests. Meeten's team maintained and built features for this application, which were used exclusively by Oracle's internal technical support teams. In 2011, I joined Meeten's MyOracleSupport team, and my job title changed to Program Manager 5, which was a non-managerial role at the IC5 career level. Two years later, in 2013, I moved back to a managerial role as a Program Mgmt. Director.

5. In approximately 2015, Meeten moved from the MyOracleSupport team to the Fusion Applications team and he asked me to join him. This new team was built to create applications with similar functionalities as MyOracleSupport, but for external clients. On Meeten's new Fusion Applications team, I was promoted to my current title, Program Management Sr. Director, for one of the many pillars under Fusion Applications, called the Oracle Customer Experience (CX) (initially known as Customer Relationship Management). Examples of other pillars include Financials, Supply Chain Management, Human Capital Management (HCM), and Higher Education. As I moved up Oracle's chain of command, I expanded the scope of my skills and responsibilities. For example, I slowly increased my role in the coordination of product releases and took ownership of more products, including the CX

product suite. CX is a compilation of products and applications that intertwines marketing, commerce, sales, and service to ensure that users optimize the experience of their customers through the entire customer “life cycle.” These tools are offered “on-premise” (meaning, on machines at the customer’s location) and in the cloud.

6. My team is comprised of approximately thirty people and is called the Fusion CX Program Release Management and Quality Assurance (QA) Team. At a high level, we are responsible for ensuring that releases—changes in a product’s code—are carried out accurately and efficiently. Generally, my team manages the process end-to-end, from the product proposal, to the coding, to the testing of the product, and ultimately to its actual delivery on the market.

7. My team is divided into two main parts: project management and quality assurance. Project management refers to seeing the progression of the product from start to finish. For instance, part of my team works on product integration, which refers to the process of making sure a change to the underlying code of the product works well with all the other components within the product and upholds the product’s high quality. There are over 1,000 developers who code for various products within CX, and my team must confirm that the functionality of the products does not regress with any coding changes. On the other hand, quality assurance refers to testing the product to ensure that it is functioning as intended under different circumstances. If my team discovers a problem, my team is responsible for either cleaning up the code or connecting with the right Oracle teams to resolve the issue. Another smaller part of my team handles product delivery, which involves working with the broader development team for a certain product and ensuring that a well-functioning product is delivered to the market on time and as intended. Overall, my team’s goal is to work together to keep up

with a rigorous product delivery cadence to ensure that Oracle offers the highest quality CX products to the market.

8. Even among employees on my team, sharing a system job title and job code does not mean employees perform similar work. For example, I share a system job title and job code with another member of my team named [REDACTED], but my role and scope of responsibilities are much broader. [REDACTED] manages the product delivery process, which is just one portion of the overall product management, release, and QA scheme that I manage, as described above. Product delivery entails putting together programs that enable our broader team to deliver products and features that meet the highest quality. [REDACTED] oversees a team that proposes new product features and manages their architecture and design alongside the development team. She does not cover other aspects of the process, including integration and testing, which fall under my purview. Because my role is significantly wider in scope than [REDACTED], our positions are not interchangeable.

9. As a manager, I participate in allocating compensation increases to my direct reports in the form of focals (merit-based salary increases, typically given on an annual basis), bonuses (one-time merit-based increases), and equity distributions. My approach is to set objectives for my direct reports that relate to Oracle's executive-level objectives communicated to me by my manager, which include producing high-quality products, having high customer retention, and being a differentiator in the market. One of my current objectives is to improve the quality of our product by reducing the number of bugs at various milestones in the product's development.

10. Each of my direct reports contributes to those objectives in different ways because they work on different parts of the CX production process. For focal increases, for example, I

consider how each individual applied the objectives to his or her role in that year, in addition to evaluating creativity, initiative, and generally going above and beyond my expectations. I evaluate how well each of my direct reports embodies these goals. I stack rank each of my direct reports and also rate each of them from 1 to 5. I view a 3 rating as solid performance, a 4 rating as exceeding expectations, and a 5 rating as a rare superstar with unique skills and motivation.

11. I use a similar approach for awarding bonuses, which are not as common on my team as focal and equity distributions. I try to reward the superstars on my team who really captured my attention and added value to the team. I evaluate which of my direct reports has excelled in a project or taken leadership initiative, and I award a bonus to someone whom I view as the top-ranking performer on my team.

12. I view equity as a way to encourage retention because it takes four years to vest. When equity distributions are available for my direct reports, I evaluate each of them and ask myself what would happen if that person left. The [REDACTED] who are most indispensable to me receive equity.

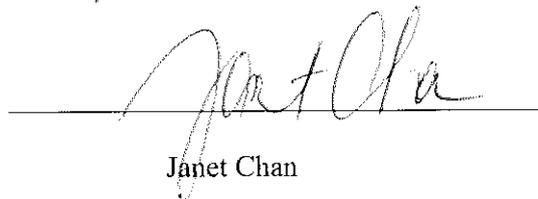
13. My compensation decisions have never been overturned. Meeten and I have open discussions about my decisions and we always come to an agreement. I apply a similar approach in reviewing the compensation decisions of my direct reports. I give them a budget and they allocate it to their direct reports as they see fit. I try to ensure consistency in ratings for individuals at the same career level with similar roles and responsibilities, so if I have a question or concern about an inconsistency or a rating, I will initiate a discussion about it and offer my opinion. To the extent I have questions about my direct reports' compensation decisions, we have a conversation and come to a mutual agreement.

14. I feel that I have been treated fairly at Oracle. My management has always supported women in the workplace and I feel that women have a voice at Oracle. Meeten, my current supervisor, is a wonderful manager who I feel has always looked to promote and mentor women on our team. I also coach my female subordinates to ask for opportunities, request promotions, and not be afraid to “manage your manager.” In my tenure at Oracle, I have attended various conferences focused on women, and now, as a manager, I nominate and encourage my female subordinates to attend them as well. I also participate in events hosted by Oracle Women’s Leadership (OWL) group, such as speakers, group discussions, and various social gatherings aimed to bring women together and inspire their careers.

15. From an ethnicity and race perspective, I view Oracle as a very diverse workplace. I have never witnessed or experienced bias based on race or gender at Oracle.

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 Shores, California on 9/11, 2019.



Janet Chan