

**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 JON TYLER  
ECKARD 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, Jon Tyler Eckard, hereby declare as follows:

1. I make this declaration in support of Oracle America, Inc. (“Oracle”)’s 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. 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 a Caucasian male and a current Oracle employee. I work in the Support job function and my system job title is Technical Account Manager (TAM) Director. However, my role is better described by my discretionary title, Director, ACS Global Delivery North America Applications. My job code is 86240 and my career level is M4. I report to Sachin Shah, a Technical Account Manager (TAM) Sr. Director, and work in the line of business led by Charles Rozwat, Executive Vice President of Customer Support Services. I am based in Charlotte, NC but work from home near Ellenboro, NC. I have supervised employees based in Oracle’s California headquarters since 2013.

4. Prior to joining Oracle, I worked for five years at CACI, Inc.—a professional services and information technology company—where I was a programmer for technology-related projects involving the Navy. I joined Oracle in January 1990 and worked my way up through the company. I was hired into an entry-level systems administrator role, Staff Sales Consultant, within Oracle’s internal IT department. In approximately 1993, I moved into Oracle’s government sales organization (then called “Oracle Government”) based in Bethesda, MD, where I was a pre-sales consultant. As a pre-sales consultant, I talked to customers about Oracle’s database technology and performed “proofs of concept,” which involved going onsite to customers’ data centers and installing and configuring their systems with Oracle software to illustrate how it worked, with the intention that my demonstration would make them want to purchase the software. Then, in 1997, I moved to North Carolina and joined the team called

“Field Support” that evolved into my current team. In approximately 2006, I was promoted to a regional management position covering certain products for the Southeast region of the U.S. As a manager, I gained direct reports and started managing their projects, hiring new engineers, conducting performance reviews, and ensuring that my team stayed on track in terms of efficiency and budget. Then, in approximately 2014, I was promoted to my current role.

5. At Oracle, my team works within Advanced Customer Support (ACS) for Applications (“ACS Applications”). ACS is an umbrella organization that provides support for other Oracle pillars in addition to Applications, such as Oracle Database, Fusion Middleware, Oracle Cloud, and other Oracle offerings. When I first joined this team in 1997, it consisted of a handful of support engineers who went onsite and helped customers resolve their technical problems with various Oracle products. Since then, the team has grown drastically in size and scope. Today, ACS provides the highest level of customer support that Oracle offers. Through annualized contracts, ACS provides Oracle customers a dedicated team of engineers that works proactively with the customer’s internal technical teams to resolve problems and optimize the functionality of the customer’s Oracle products. Unlike standard customer support, ACS also provides customers with a dedicated account manager and direct access to their support engineers via email and a personalized toll-free number. My team’s role is to create business relationships with our customers and develop partnerships, in contrast to other teams within Oracle’s support organization that answer customer questions on an ad hoc basis.

6. As a manager, my role is to manage schedules for customer engagement, work with Oracle’s sales teams to generate new business, and assist my direct reports in identifying solutions to customer problems by leveraging the appropriate resources within Oracle. Oracle has talent all over the globe, and I help my team identify the right talent in the right place and the right time to address a particular customer’s issue. I also work with my peers across the country and internationally to create and improve applications support for customers.

7. My ACS Applications team primarily focuses on two products: Enterprise Business Suite (EBS) and PeopleSoft Enterprise (PeopleSoft). EBS is a set of business

applications for operating and automating multiple aspects of a company's business, such as supply chain management, project planning, e-commerce, internet procurement, transportation management (e.g., shipping products and ensuring they ship on time), manufacturing (e.g., building and custom-configuring new products and existing parts), and various other features. The customer base for EBS primarily consists of large Fortune 500 and Fortune 1000 companies. PeopleSoft performs functions similar to EBS, but typically for smaller customers. For instance, some state universities use PeopleSoft to manage student grants and class registration, as well as their finances and other functions related to operating the university.

8. I have 10 direct reports, four of whom are Systems Analyst 4-Support (IC4 career level; job code 90244) and six of whom are Systems Analyst 5-Support (IC5 career level; job code 85550). One of my direct reports, [REDACTED], is an Asian female who works at Oracle's headquarters as a Systems Analyst 4-Support. My other direct reports include employees of different genders and races and are primarily located in Dallas, Texas. The broader ACS Applications team offers support around the clock with staggered shifts on teams in the U.S. and India, and my direct reports generally work standard business hours in their respective time zones, typically from 8:00 a.m. until 5:00 p.m.

9. My direct reports are highly specialized, such that even those that share the same job code or career level often have very different duties and responsibilities on our team. Each individual has a unique skillset; seven of my reports are skilled in various aspects of EBS, while the three others are experts in aspects of PeopleSoft. The skills and experience needed to support EBS and PeopleSoft are very different. For instance, [REDACTED] is a PeopleSoft expert with a sub-specialty in two particular applications, Payroll and Human Capital Management (HCM). She can investigate and resolve customer issues with these applications because she understands their technical functionality. As one example, PeopleSoft technology allows users to define payroll groups according to various criteria (such as an employee's level within a company), such that multiple groups of payroll can be processed simultaneously. [REDACTED] recently used her specialized knowledge to assist a customer with configuring the Payroll application in this way and

significantly simplified the customer's payroll processes.

10. Another member of my team, [REDACTED], has the same system job title and job code as [REDACTED], but he specializes in PeopleSoft from a different, more technical perspective. He has only a basic understanding of Payroll and HCM. Instead, he is a technical architect who helps customers identify and design the applications they need for their businesses. He is adept at analyzing a customer's environment (meaning all of the customer's machines, systems, and programs) from top to bottom, including advising the customer on the size of the backend database server needed for their business, analyzing the number of users that can connect to the customer's programs and what methods will be used to connect, and recommending technical improvements to optimize the functionality of Oracle's PeopleSoft applications. In the example above, whereas [REDACTED] would help customers configure the PeopleSoft Payroll application to a customer's specific needs, [REDACTED] would determine the needed hardware architecture and how to properly install the application on the customer's systems. [REDACTED] and [REDACTED] have complementary (rather than fungible) skills, such that together they provide a more robust solution for our customers. Still others on my team utilize different skills to perform different work on various EBS products, which neither [REDACTED] nor [REDACTED] support.

11. I have not hired externally as a manager, as I have inherited my direct reports from various internal re-organizations within Oracle. However, I participate in awarding compensation increases in the form of focals, which are salary increases that occur periodically (often but not always on an annual basis). My direct reports are not eligible for bonus awards or equity distributions. For focal increases, I typically receive a budget from my manager and general guidelines on how to distribute it, including to take into account merit and performance. At the end of the day, I am empowered to allocate focal increases as I see fit. In my particular process, I stack-rank all of my direct reports from one to ten based on each individual's performance, and also rate their performance on a scale of one to five, with five being the top level of performance. A rating of five is rare and is typically tied to a combination of leadership and technical skills. To award a five rating, I look for advanced technical skills, recognition as

an expert in complex issues by other members of my team, and the ability to assist customers with the most difficult or unusual questions, such as those not normally found in our support database. This level of knowledge only comes from extensive experience.

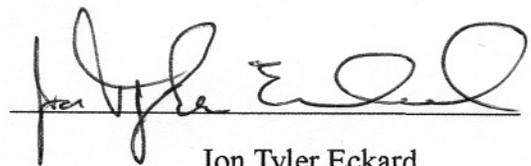
12. All of my reports are highly-experienced engineers, but I determine my top performers based on several factors that I have developed during my tenure at Oracle, including their technical skills, willingness to grow and expand their knowledge set and skills, and receipt of excellent customer feedback. Other factors that play into performance include how well my reports interact and coordinate with the broader team. I applied these processes in my most recent focal cycle in 2019.

13. In my experience as a manager, my salary increase (focal) decisions have never been changed by upper management. I have not received any pushback from my managers, though I have sometimes been asked questions about the basis for my decisions. On those rare occasions, I have an open conversation with my manager and reach agreement before moving forward. I have never taken race or gender into account in my compensation decisions.

14. I attend Oracle's mandatory trainings for managers on an annual basis. I recall that these trainings covered various forms of discrimination, including racial and gender-based discrimination. I take these trainings seriously because their topics are very important, and I strive to treat everyone the same way regardless of their race, gender, or any other characteristics besides their technical qualifications and performance. I have been at Oracle for many years and I have never witnessed any bias on any of my teams.

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

Executed in Ellenboro, North Carolina on Sept. 16<sup>TH</sup>, 2019.



Jon Tyler Eckard