

**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 BARBARA
FOX 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, Barbara Fox, hereby 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 a female and a current Oracle employee. I work in the Product Development job function and my system job title is Product Mgmt/Strategy Snr Director-ProdDev. However, my role is better described by my discretionary title, Senior Director, Fusion HCM Product Management. My job code is 17250 and my career level is M5. I report to Ognjen Pavlovic, the Product Mgmt/Strategy VP-ProdDev, and I work in the line of business led by Steven Miranda, Executive Vice President of Oracle Applications Product Development. I am based in Cocoa Beach, Florida, but I worked in Oracle's California headquarters from July 2014 until November 2017.

4. I have worked at Oracle for almost twenty-four years. Prior to joining Oracle, I worked in the IT department of a company called Autoliv, an automobile supplier that makes airbags. Autoliv used Oracle software to manage its financials, and my role was to implement and configure it to meet the company's business needs. This Oracle software is a suite of applications called Oracle Financials and includes applications to help customers with all their financial needs, such as general ledger and accounts payable and receivable. I eventually decided to join Oracle because I had experience with Oracle software and thought it was a beneficial career move to work for a large tech company.

5. I was hired into the Senior Consultant position I applied for in Oracle's Salt Lake

City offices in October 1995. My job code was 20400 and my career level was IC2. This role was similar to my role at Autoliv – I helped companies implement Oracle Financials by traveling onsite and ensuring that the software was able to function efficiently on the customers’ systems. In approximately 1999, I wanted to limit my travel for personal reasons, and I requested a transfer into a different role. My management was very supportive of me and allowed me to move into a customer support role, where I worked from home on customer escalations. An escalation is where a customer petitions for additional assistance beyond Oracle’ general support services, either because the customer requires a quicker response, more nuanced technical skills, or other reasons. My role was to assist the customer with finding the right resources within Oracle to solve their issue as quickly as possible. I found the support role did not suit my lifestyle because it required me to be on call around the clock, including on weekends. In the early 2000s, I again requested a transfer and assumed a new role within the Product Development job function. From my role in customer support, I had numerous contacts within the product development teams who assisted me with my transition. To my knowledge, I was the first person in Oracle’s product development group in Salt Lake City who was permitted to work remotely, because I had proven my skills and dedication as a support engineer and my manager trusted me.

6. Within the product development organization, I worked on E-Business Suite (EBS), a product with which I had experience through my support role. EBS is a comprehensive set of business applications that allows customers to operate all aspects of their business, including customer relationship management (CRM), enterprise resource planning (ERP), supply chain management (SCM), Financials, and other components. I received on-the-job training for my new role and progressed through the organization with the mentorship of my manager. Within EBS, I worked on the Oracle Project Management Team as a manager, senior manager, and director. This team developed a suite of project management applications used primarily for large-scale construction projects. My role and responsibilities involved interacting with engineering and construction customers and understanding their requirements (meaning, their

expectations of the EBS software and how they planned to use it), translating those business requirements into technical designs, and then negotiating with Oracle's engineering teams to build the software in a way that meets and even exceeds the customer's expectations. In approximately 2008, I moved to Florida to care for elderly parents, and Oracle continued to allow me to work on the EBS Project Management Team remotely.

7. In July 2014, I transferred onto a new team in Oracle's headquarters office, called Human Capital Management (HCM). Like my EBS team, my HCM team works with customers to figure out how and what functions they need our software to perform, and then we design the software accordingly and work with our engineering team to build it. However, the products have different functionalities and require different expertise. HCM is a cloud software application suite for global Human Resources (HR), talent, and workforce management. It is used primarily by HR companies for managing promotions, performance reviews, employee transfers, and other HR-related tasks. Within HCM, I am responsible for workforce management, which is the all-encompassing name for three different sets of applications: Time and Labor, Scheduling, and Absence Management. For example, the HCM software has a feature called "Attestation," which allows employers to request a verification from employees when there is a variance in their normal schedule. If an employee works overtime, skips a meal break, reports time on non-scheduled work day, or records any other variance in his or her normal schedule, the feature will ask the employee to verify that he or she received authorization to do so from a manager when submitting his or her time card. My title of Product Mgmt/Strategy Snr Director-ProdDev. and my career level (M5) did not change when I switched to this team.

8. My transition from the EBS to the HCM teams took approximately six months due to the differences in the products and the skills required to manage their products. I received significant on-the-job training and used these several months to familiarize myself with HCM. I needed to acquire an in-depth understanding of workforce management and its applications so that I could advise my team on how to design the software to meet the appropriate customer

requirements. Additionally, I attended two formal training courses through Oracle University in Dallas, Texas regarding how to implement and use workforce management and all of its applications. It was important for me to understand how the applications work with and affect one another so that I could lead my team efficiently. For example, a customer using HCM could be a hospital that uses the scheduling software within workforce management to generate shift schedules for nurses, doctors, and other hospital staff. Then, the time and labor applications within workforce management must reap information from those schedules to automatically generate time cards, which may need to be adjusted for various reasons, such as if a nurse works overtime during surgery or misses a shift. Finally, the payroll applications within workforce management must adjust the pay accordingly in line with these time sheets. To advise on the proper designs for molding this software to customer requirements, I needed to understand all these elements of workforce management and how they work together.

9. My role as a senior director on the HCM team involves reviewing how end users interact with the HCM software from start to finish to ensure it works smoothly. To do so, I look at the functional and the technical design of the applications. The functional design refers to whether the software will meet the customer's requirements (*e.g.* if the customer needs the software to track overtime attestations versus missed meal break attestations, or both). The technical design (which is not necessarily code, but similar) refers to the underlying schematics of the software. My technical background in programming allows me to determine how a technical design will interact with other applications and data, ensure that the technical design is engineered properly, and that it is not more complicated than it needs to be. When I confirm that the technical and functional aspects of the design are complete, I approve the design. I also spend a significant portion of my time helping our customers implement the HCM software and in design meetings reviewing all the technical designs. Approximately a year and a half ago, I moved to my home in Cocoa Beach, Florida where I remain in the same role.

10. I have nine direct reports, four of whom are based in Oracle's headquarters: [REDACTED]

[REDACTED] and [REDACTED] are Caucasian and have the job title Product

Manager/Strategy 5-ProdDev, the job code 17150, and the career level of IC5. [REDACTED] is an Asian male with the job title Product Manager/Strategy 4-ProdDev, job code 17140, and career level IC4. [REDACTED], my most recent college hire, is an Asian female whose job title is Product Manager/Strategy 2-ProdDev, job code is 17120, and career level is IC2.

11. There are differences in skill level and expertise among the career levels of my direct reports. For instance, [REDACTED] an IC4, has one of the [REDACTED] on my team because of his extensive engineering background, [REDACTED] with communicating with customers (particularly customer executives) and other product management skills that are essential to my team, to [REDACTED]. [REDACTED] focuses primarily on the Time and Labor applications within HCM, [REDACTED] of the overall architecture and component of workforce management as a whole (which includes Time and Labor, Scheduling, and Absence Management). I expect my IC5 reports to know all three sets of applications and how they are architected to work together, how customers use them in conjunction with each other, and how a change in one set of applications impacts the others. Generally, my IC5 reports have more depth and breadth of knowledge than my IC4 reports.

12. My direct reports have different roles and responsibilities, even those that share the same job title. For example, [REDACTED] share a job title but have different expertise and perform very different tasks. [REDACTED] is adept in the architecture of HCM, which means he knows how its parts fit together. Every customer may use the attestation feature mentioned above for a different purpose: one customer might want to ask attestation for overtime, and another for a missed a meal break. Generally, the benefit of this feature, and the HCM software, is that it is customizable to customers' business needs and requirements. The HCM product must be configured to these requests, and [REDACTED] can realize how these new features will function within the existing product. His responsibilities and tasks include helping to design the underlying technical setup of all new features by scheming out how customers will make use of the features within their customized HCM product. For example, as it relates to the attestation feature, his

duties would be designing the particular feature to reflect which employees must attest to which questions and in what circumstances. He configures many other features of HCM in this manner according to customer needs.

13. On the other hand, [REDACTED] is much more skilled in program management, which means she ensures that the features of the product are completed in the right order and on time. She tracks the development of the software and the features each customer requests, and she signs off that features were built appropriately by Oracle's engineering teams. This requires her to track the progress of the engineering teams, manage the resolution of any bugs within the application, and any other issues. She also maps out how the product will generally interact with end users, such as designing the user interface that the end user will see. [REDACTED] roles are both critical to my team, but they are not interchangeable.

14. I have not hired externally for my team since 2013, but as a manager, I participate in allocating compensation increases to my direct reports in the form of focals (salary increases that typically occur on an annual basis), bonuses (one-time merit increases), and equity distributions. I focus on evaluating performance for all three types of compensation rewards, with an emphasis on different factors. For instance, for focal increases, I prioritize performance and pay equity. In terms of performance, I look for someone who can independently solve problems efficiently with minimal involvement from me, volunteers to take on extra responsibilities, leads big projects, and takes initiative. In terms of pay equity, I evaluate whether any of my direct reports are on the lower end of the pay scale for their role in relation to their peers.

15. One of my direct reports, [REDACTED], [REDACTED] [REDACTED] – his current job title is [REDACTED] [REDACTED] and his job code is [REDACTED] joined my team in Oracle's headquarters, but [REDACTED]. When he first joined my team, [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

the entire project from start to finish, which impressed me. He put in the time and research necessary to illustrate his skills. I considered his excellent performance in my evaluation of [REDACTED] during the focal cycle.

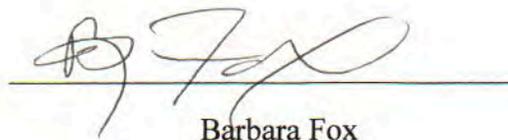
16. For equity distributions, I follow the guidelines I receive from my managers, which advise me to consider performance and employee retention. I reserve equity for especially high performers who are essential and indispensable to my team. I want my direct reports to feel rewarded for their hard work and have an incentive to stay at Oracle. My compensation decisions are generally approved, although I am sometimes asked to provide a justification as to my underlying rationale. I discuss my decisions with my supervisor and we typically reach agreement before moving forward. I have never considered gender or ethnicity in making compensation decisions.

17. I attend Oracle's mandatory trainings for managers on an annual basis, and I recall that these trainings covered various non-discrimination topics.

18. I have felt very supported by Oracle throughout my career. I think Oracle rewards performance and good performers can have fulfilling careers at Oracle. I have been promoted eight times as I worked my way up the ranks from a consultant to a senior director. I have never witnessed any bias on any of my teams during my tenure 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 Cocoa Beach, Florida on Sept 9, 2019.


Barbara Fox