

**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 SACHIN  
SHAH 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, Sachin Shah, declare as follows:

1. I make this declaration in support of Oracle America, Inc. (“Oracle”)’s motion for summary judgment or, in the alternative, 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 an Asian male and a current Oracle employee. I work in the Support job function and my system job title is Technical Account Manager (TAM) Sr. Director, but my role is better described using my discretionary title, Sr. Director ACS Global Delivery Applications. My job code is 86250 and my career level is M5. I report to Tony Gray, the Group Vice President for Cloud Service Business Development and Customer Management, and I work in the line of business led by Charles Rozwat, Executive Vice President of Customer Support Services. I am based in Pleasanton, California, but I supervised employees based in Oracle’s California headquarters during the time period at issue in this case.

4. I joined Oracle in 2006 after Oracle acquired my former employer, Siebel Systems. I began my Oracle career as Technical Analyst 3-Support, then became a manager in 2008 and worked my way up the ranks. As a manager, my role expanded to focusing on people and customer management, creating new services, meeting with customers, creating sales opportunities, and related tasks. I was promoted to my current title approximately one year ago.

5. At Oracle, I manage all of Oracle’s applications customers across North America (and a few in Latin America) that annually contract with Oracle for Advanced Customer Services

(ACS). Oracle offers many applications that perform functions to help customers operate their businesses, such as products for Enterprise Resource Planning (ERP). ERP has various modules like financials, Human Capital Management (HCM), manufacturing, supply chain management, Siebel (name of software for Customer Relationship Management (CRM)), employee management (*e.g.* PeopleSoft), and countless related business operations. ACS is an add-on service that offers targeted, personalized technical support that is above and beyond the capabilities of Oracle's general support team. My team handles the entire spectrum of Oracle's applications offerings. My peer managers handle ACS for other major Oracle technologies, such as Oracle Database, Oracle Infrastructure, and Oracle Cloud offerings.

6. Typically, customers who contract for ACS services receive their own toll-free number and an identification number that routes their service tickets to a dedicated team of engineers who offer around-the-clock support and work closely with the customer's technical support teams. Due to this customization, my team's troubleshooting starts at a higher level than Oracle's general support. Because my team's engineers are intimately familiar with the customer's products and systems, they skip the rudimentary support questions and reach the heart of the problem faster. ACS helps customers significantly reduce resolution times, so their business can get back on track in a shorter time.

7. At a high level, my team must ensure that our customers are satisfied with our services so that we continue to grow the business. I also work with internal stakeholders at Oracle to identify and develop new services for our customers based on changing trends in technology and ensure that the ACS offerings are in line with customer and market expectations.

8. I oversee a team of approximately forty engineers who support ACS customers in different capacities. Most of them are flex workers, which means they work remotely from

home, and they are scattered all around the country. I have fourteen direct reports, three of whom are females based in Oracle's headquarters. These three women include two in the job code 85550 (Systems Analyst 5-Support), [REDACTED] and [REDACTED] and one in the job code 90244 (Systems Analyst 4-Support), [REDACTED]

9. Every engineer on my team is specialized and caters to an application or set of applications, including those that share the same job code. For instance, [REDACTED] share a job code but have different roles and responsibilities. Both support customers with E-Business Suite (EBS), a type of ERP software that is one of Oracle's major product lines. EBS is comprised of a set of business applications for automating various modules like financials, HCM, manufacturing, and supply chain management. However, [REDACTED] focuses on the functional side of EBS applications, and [REDACTED] expertise lies on the technical side. Functional knowledge refers to how the application and its software works, while technical knowledge refers to familiarity with installing the product and ensuring that it works as intended, applying patches (fixes to security threats and other improvements to the applications so that the software reaches peak functionality), and ensuring that the application communicates efficiently with the underlying database on which it is built.

10. For example, Oracle Financials is one of the applications within EBS, and it has multiple submodules dealing with general ledger, project accounting, and related functions. [REDACTED] needs accounting knowledge to help customers with questions as to what the application does and how it should perform to help the customer meet their needs. Conversely, [REDACTED] must be able to talk customers through how to install the product, update the software with the latest patches, and other technical components. Additionally, they interact with different members of a customer's staff. For instance, [REDACTED] supports a customer's technical teams, such as database

administrators, but [REDACTED] works with a customer's employees who use the application to perform certain tasks, such as monthly/yearly closing of the books of accounts (through Oracle Financials). Because [REDACTED] handle different aspects of the EBS technology, their roles are not interchangeable.

11. As a manager, I am involved in hiring for my team. After I open a requisition, I work with my assigned recruiter, who conducts initial screenings and assists me with narrowing down candidates. My practice is to hire for the position I advertised. If I open a requisition for a Systems Analyst 5-Support, candidates without the proper qualifications for that title and career level will not filter through the selection process.

12. In screening candidates, I review the depth of a candidate's knowledge and experience. Experience with EBS and its applications, or with other large Oracle product suites, such as Seibel and PeopleSoft, is a top priority because my team is so technically focused. However, I also look for candidates who are well-rounded in that they are hungry to learn new skills, have excellent communication, writing, and speaking skills, and prioritize the success of the team over individual success. My direct reports must work closely with technical staff and often high-level executives at large companies, and their ability to add value to our customers' business and represent Oracle in a positive light is very important to me.

13. Typically, candidates are interviewed by three or four members of my team who specialize in the area for which the candidate applied. Once I decide to hire a candidate, I work with my HR Business Partner to help me determine the appropriate starting salary based on a combination of market-driven factors, like a candidate's geographic location and the candidate's qualifications. My practice is to discuss the candidate with my supervisor to ensure that we are on the same page about his or her qualifications before making a final offer. I recall receiving

training regarding Oracle's policy of not asking candidates for prior salary information, although even before this policy, I have never asked for a candidate's prior pay and it has not factored into my starting pay decisions. Instead, I focus primarily on the candidate's technical experience and how that candidate will contribute to my team in the short run and in the long run.

14. My salary recommendation has never been questioned or changed. I work closely with the HR Business Partner assigned to my ACS team and ensure that the candidate's proposed salary matches Oracle's salary ranges and the candidate's qualifications. Race and gender have never factored into my hiring process or starting salary decisions.

15. I also participate in determining compensation increases for my direct reports in the form of focals, bonuses, and equity distributions. The term "focal" refers to a salary increase that typically, but not always, occurs annually, whereas a bonus is usually a one-time monetary award. In deciding how to allocate a focal budget from my manager, I evaluate the performance of my direct reports by looking at the satisfaction rankings they receive from our customers and the scope of their work in the last year. For example, I consider if they drafted any white papers, created technical presentations for customers, won any awards, completed any technical certifications, or generally represented Oracle in a positive light on any platform.

16. For awarding bonuses, I consider similar performance-based criteria, but I try to reward a direct report who really went above and beyond and stood out, either by completing a difficult technical task or project for a client or by going the extra mile in some other way on my team. As for equity, I contemplate my team's long-term goals and I reward individuals that I feel are most indispensable in terms of their skills and contribution to my team.

17. Several of my direct reports, including [REDACTED] are exceptional engineers who are always at the top of my ranking because they go above and beyond in supporting their

customers. I have never received any negative feedback about them from our customers. They contribute significantly to my team and I value their integrity, honesty, and diligence that also keeps our customers satisfied. Race and gender have never played a role in my compensation decisions.

18. Due to [REDACTED], I promoted her from a Systems Analyst 4-Support to a Systems Analyst 5-Support several years ago. I have also promoted my third female direct report in Oracle's headquarters, [REDACTED] to her current position of Systems Analyst 4-Support for similar reasons. Race and gender have never played a role in my promotions decisions. The primary factors I consider are a person's value to the team, quality of his or her work, honesty, and communication. If my direct report meets these criteria, I push to promote them. I try to facilitate growth on my team by maintaining an open-door policy, good communication, and making myself readily available for questions, so that my reports stay motivated.

19. As a manager, I participate in Oracle's mandatory trainings. I recall that these trainings cover a variety of topics, like racial and gender-based discrimination, ethics, sexual harassment privacy, and other areas. I listen carefully to these trainings, which are typically presented in a webinar format, so that I can answer the questions at the end. I also ensure that my direct reports complete Oracle's required trainings on time.

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20. I have felt supported in my experience at Oracle. Oracle recognizes hard work and how quickly its engineers can adapt to the changing needs of the business. I have never witnessed or experienced any racial or gender bias 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 Pleasanton, California on sep. 13, 2019.

 (Sachin Shah)  
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Sachin Shah