

**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
HARMOHAN SURI 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, Harmohan Suri, 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 an Asian male and a current Oracle employee. I work in the Support job function and my system job title is Product Support Senior Director. My job code is 90252 and my career level is M5. I report to Lauren Verno, the Vice President for Database and Enterprise Manager Support, and I work in the line of business led by Charles Rozwat, Executive Vice President of Customer Support Services. I am based in Orlando, Florida, but I supervised employees based in Oracle’s California headquarters in 2001, 2012, and 2015 through 2017.

4. I joined Oracle in 1995 as a Technical Analyst 3-Support (IC3 career level). Within a year, I became a manager, and my job title changed to Technical Support Manager 3 Applications. I then moved from manager to director, and then to my current position as senior director in 2001. Prior to joining Oracle, I worked in other technology companies as a consultant. Right before joining Oracle, I worked at Encore Systems Corp., a company involved in developing Enterprise Resource Planning (“ERP”) software, which is a set of software tools used to run a business, including financials, human resources, manufacturing, and other business components. There, I wrote code for and supported the company’s financial reporting systems. I

moved to Oracle because it was a leading ERP company in the market at that time, and I continued working with ERP at Oracle.

5. At Oracle, I am primarily responsible for managing a part of Oracle Database's global support teams as well as the global support team for a product called Enterprise Manager ("EM"). Oracle Database allows customers to save, store, retrieve, extract, update, and manipulate all their data for various business components such as HR, sales, inventory, financials, customer relations, and any other data they may have. Generally, customers build applications on top of Oracle Database to present their data in different formats, so they can do financial reporting, customer relationship data management, and other tasks required to operate their business. Within Oracle Database, I support the manageability product area, which deals with memory management of the Database, internal errors, and utilities (*e.g.* uploading data).

6. EM is a product that enables customers to monitor the health of their computer systems, including their hardware and software. Mainly, EM allows customers to define and set rules for their systems, and then EM alerts customers when their systems' health deviates from those defined rules.

7. My team, which consists of 193 people, primarily assists customers who call in with issues about the manageability of Oracle Database and EM. For example, the manageability portion of my team handles customer issues related to usage (when a customer tries to access data but the process malfunctions or is too slow), memory utilization of the Database, and related issues. For EM, customers could call in with questions about defining, deploying, or monitoring the rules they set for their systems, or how to interpret an error display.

8. Of the 193 people on my team, fifteen people focus on critical customer "escalations." An escalation is when a customer feels that Oracle's support team has not

adequately handled a question or has not responded in the customer's preferred time frame. When issues with the Oracle Database (not just with manageability, but any Oracle Database issue) or with EM escalate in their level of urgency, such as when the customer threatens to cancel our service or asks for a refund (causing financial loss to Oracle), my escalation team gets involved. This team regularly handles these types of escalations and ensures that customer problems are resolved promptly, but they do not generally handle line support issues, meaning those answered by Oracle's general first-line-of-defense support teams. I assist my escalation team with engaging resources across different Oracle organizations to evaluate the customer's problem and take corrective action as soon as possible.

9. I have seventeen direct reports, eight of whom are female. I also have Asian and African American direct reports. My direct reports are primarily skilled in support operations management (meaning, they are skilled in managing the operations of our support team, including how service requests are triaged and how they get processed) and in customer escalations. I assign top accounts to all my direct reports and expect them to develop relationships with customers and expertise in the customers' products over time.

10. My direct reports have different skills and responsibilities that complement one another to make my team function smoothly. Even the roles of my direct reports who share a job code differ significantly. For instance, two of my female direct reports are [REDACTED] and [REDACTED]. They, along with several of my other direct reports, share the same job title (Technical Analyst 4-Support) and job code (90023).

11. [REDACTED] and [REDACTED] have different backgrounds that led them to my team. [REDACTED] primarily worked as a support engineer on what is called "main frame technology," another term for hardware (a desktop machine is an example of hardware). This kind of technology refers to

the machines used by companies to store large amounts of data using Oracle Database or other database brands. On the other hand, [REDACTED] background was supporting the applications system side (applications, like email, are the tools built on top of Oracle Database). Her expertise was in supporting an Oracle product called Enterprise Business Suite (EBS), which is a set of applications that helps businesses automate various processes including supply chain management and customer relations programs. [REDACTED] and [REDACTED] skills are complementary, but not interchangeable.

12. The skills needed for supporting the database side are different than for supporting the applications side. [REDACTED] skills are more geared toward finding solutions for problems with hardware, and her expertise lies in what are considered more traditional (*i.e.* not autonomous) methods of computing in my industry. For example, a common issue with hardware is called disk failure, which is the error that occurs when a customer is unable to save data (*i.e.* when data is saved, it gets written on a disk, and if that process fails, the customer receives error messages). [REDACTED] is skilled at correcting such an issue by asking for a part replacement or scheduling a code change to update the software (called a patch).

13. On the other hand, [REDACTED] skills are more geared toward modern, cutting edge technology that involves autonomous processing and the cloud. For instance, a part of her skillset is focused on a feature called Online Transaction Processing (“OLTP”), which refers to the technology behind real-time processing of data (*e.g.* when ordering a product online, customers enter their payment information and the purchase occurs instantaneously). Currently, [REDACTED] has a certification from Oracle called the “Oracle Certified Associate (OCA)” for Oracle Database, which certifies her as an expert on Oracle Database and particularly on autonomous transaction processing, where the Oracle Database can run autonomously, self-diagnose

problems, and then self-correct those problems without human involvement. [REDACTED] is also preparing to receive another certification called the “Oracle Cloud Certification” which would certify her as an expert in the cloud space. These certifications, coupled with her focus on more modern, autonomous technologies, differentiate [REDACTED] technical skillset from [REDACTED]

14. Another reason that [REDACTED] and [REDACTED] are not interchangeable is because they support different customers, which also requires different skills. Customers who call in for support with Oracle Database are typically technically competent and have worked with complex Oracle Database technology. They require a significantly more technical level of communication, which [REDACTED] can offer. Conversely, customers needing support with applications could include a line clerk at a department store with no technical expertise whatsoever who is using the application to make a sale. [REDACTED] can communicate with these types of customers much more seamlessly than [REDACTED]. Therefore, if I am assigning an escalation for a customer using EBS or another application that runs on Oracle Database, I would first turn to [REDACTED]. Alternatively, I would assign [REDACTED] to customers having issues with the database side, such as running Oracle Database on Exadata (the name of a popular Oracle server that optimizes the use of the Oracle Database and all its applications for customers).

15. Although I may reassign customers among my direct reports from time to time to manage work load and availability, there is a learning curve. [REDACTED], and each of my other direct reports have an expertise in their customers’ products and have developed relationships with developers and other key players who are critically important to offer the highest level of support. Their knowledge takes a long time to acquire. They can pick up each other’s skills, but that transition will require training and time, which is expensive to Oracle because it involves

training classes, various technical certifications, and other training components. For that reason, my direct reports are not easily interchangeable.

16. I have not hired any of my direct reports from outside of Oracle. They either joined my team as transfers through a reorganization or have had a very long tenure at Oracle. However, I participate in determining compensation increases for my direct reports when they're available, including focals (merit-based salary increases, typically given on an annual basis), bonuses (one-time merit-based increases), and equity distributions.

17. A focal process typically occurs once a year, although it does not always occur annually. I receive a certain budget from my manager, who instructs me to apportion it among the top performers on my team. In deciding how to allocate this budget, I consider a variety of merit-based factors. Generally, I look at who is indispensable to the database support business and how they fit with the strategy of the company. This requires me to look at the day-to-day contributions of my direct reports and assess how critical they are to the organization, how they have managed their customers, and their participation internally on improving the infrastructure for our team. For example, in evaluating members of my escalation team, I review the type and difficulty level of the escalations my team received from certain product areas, and at the product footprint. By "footprint," I mean the product's infrastructure and the stability of its components (like its operating system, middleware (the software that is the middle layer between the operating system and the applications built on top of it), etc.). The footprint indicates the difficulty in supporting the product. For example, my team supports certain products which are stable and secure with limited bugs, and these products will generally cause less customer escalations and will not be as challenging to support as less-stable products, such as those that have been recently released or got new features that result in bugs (and consequently more

frequent escalations from customers). I take that footprint into account when evaluating the diligence of my direct reports for purposes of focal compensation increases.

18. Another characteristic that stands out to me is the individual's reliability. If I assign a task, I am very dependent on my direct report to complete the task on time. Individuals with a 100% track record for reliability are typically at the top of my list when I am making focal decisions.

19. I also consider location and aim to invest my merit increases in someone who fits my understanding of the general direction of corporate strategy. Major Oracle support locations move the company forward because they contain teams of engineers of varying levels who can help and train one another, which benefits Oracle's customers by increasing my team's skills and efficiency. My focus is on retaining and growing my employee pool in these major locations and I try to incentivize people to stay there instead of in remote locations. As such, I would have a harder time awarding a salary increase to an individual in Alaska, for example.

20. Finally, I consider the individual's compensation ratio, which is where an individual's salary falls within Oracle's predetermined range for each career level. Today, most of my direct reports generally [REDACTED] and I try to balance out my team when possible.

21. I employ the same underlying principles for the bonus and equity processes, with minor modifications. For bonus awards, I also look to reward a direct report for something critical they performed during a 6-month or 1-year cycle. For equity distributions, I consider a long-term perspective and look for people who innovate and add value from a technical support perspective. I do not typically decide the amount of equity distributions because [REDACTED]. In those cases, I provide

recommendations to my manager. Additionally, there is significant corporate focus on cloud versus on-premise products. The [REDACTED]

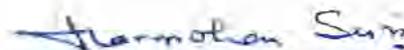
22. I submit my compensation recommendations to my supervisor and she works with HR to ensure that there is consistency in the distribution of compensation increases for her direct reports. My compensation decisions have never been overruled, but my manager checks for outliers and on occasion has asked me to justify my reasoning. For example, if I gave someone on my team an unusually high increase, she may ask me to explain why that person deserves a raise that is higher than the norm. I have never considered race or gender for any compensation decisions and I have not seen such discriminatory bias from my superiors.

23. As a manager at Oracle, I participate in required training every two years, which covers all the details about treating people fairly regardless of their ethnicity, gender, race, and other protected characteristics. In my opinion, Oracle takes these trainings very seriously.

24. Generally, I've been happy with my career at Oracle. I feel like I'm an important part of the organization and I feel respected. Being Asian hasn't made a difference for me one way or the other. I have never practiced, 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 Orlando, Florida on 9/23/, 2019.



Harmohan Suri