

**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
NACHIKETA YAKKUNDI 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, Nachiketa Yakkundi, 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 an Asian male and a current Oracle employee. I work in the Support job function and my system job title is Product Support Senior Manager. My job code is 90248 and my career level is M3. I report to Frederick McFall (Senior Director, Customer Support, Middleware – Identity Management) and work in the line of business led by Charles Rozwat, Executive Vice President of Customer Support Services. I am based in Belmont, California. I supervised four female employees based at Oracle’s headquarters between 2013 and mid-2017.

4. I joined Oracle in a Technical Support Analyst 1 (IC1 career level) role in June 1994 and worked in various junior-level support roles until February 2000. During that time period, Oracle and other technology companies engineered their database products differently for each operating system, such as Windows, Unix, IBM, and others. Oracle maintained separate product support teams based on the operating system. I initially worked on the team that supported the Oracle Database product for the Unix operating system for approximately three years. In 1997, I moved to a worldwide support services group known as the “Emerging Technologies” group, which supported Oracle’s niche products and developing technologies that had not yet yielded a significant market footprint. One example of such a niche product was Oracle Internet Directory (OID), the first technology to utilize a novel user-authentication system called the Lightweight Directory Access Protocol (LDAP). Using LDAP, OID served as a user repository that allowed Oracle customers to more easily administer their users and resources, and it was cheaper and more convenient compared to other database products.

YAKKUNDI DECLARATION ISO ORACLE’S MOTION FOR SUMMARY JUDGMENT

5. In approximately February 2000, I left Oracle and joined a company called Ventro, where I worked as an applications specialist. This role was technically distinct from my previous roles at Oracle because it dealt with applications rather than the back-end databases on which those applications are built, but I saw this move as an expansion of my support skills. At Ventro, I supported internal engineers who used various e-commerce applications, a budding field at that time. To support these applications, I had to understand the functionality of the applications and learn to deal with the product developers. After my first 4-6 months at Ventro, I was promoted to manager and held that position until April 2001, when the company dissolved.

6. In May 2001, I joined another technology company called Oblix, a supplier of identity and web services management software. There, I switched to providing customer-facing support for Oblix products (as opposed to supporting internal engineers at Ventro). Oblix made products using a system called Single Sign On (SSO). SSO refers to the authentication process that occurs once a user signs on to an application and receives permissions to access certain content based on their role and authority within a company (similar to an employee logging into a company's portal and accessing various applications, such as their HR records and email, without additional login prompts). One of Oblix's main SSO products was called COREid. Oracle acquired Oblix in March 2005. Prior to re-joining Oracle as part of the acquisition, I was a manager at Oblix from 2001 to approximately 2003, and then a Product Support Senior Manager. After the acquisition, I continued to provide customer-facing support for Oblix products, primarily COREid, which Oracle rebranded as "Oracle COREid" and eventually renamed Oracle Access Manager (OAM).

7. Since that time, OAM and its underlying systems have expanded significantly and now include myriad products. Today, I am part of the OAM support team, which supports a suite of ten to twelve on-premise products that provide web access management and user identity administration. "On-premise" refers to software that runs on computers at the physical location of the person or organization using the software, rather than at a remote facility or in the cloud.

8. OAM allows companies to customize access to their systems and files in many

ways, including delegating who can access what information based on their title or authorization. It provides security based on the user's profile, so that different employees can access different levels of applications (a level is how far a user can go in the system) or access applications only for a certain duration. This process of delegating systems and files according to a customer's preference is called access management. Generally, OAM is used by organizations that need security infrastructure to protect their digital resources.

9. The way that OAM intertwines select functionalities from different technologies makes it a unique offering in the market. For instance, it includes an LDAP directory component (repository of user and application data), a web server component, an authorization component (authorizing users to access certain systems), and an authentication component (proving a person's ownership of an electronic identity). Each of these components functions independently outside of OAM, but their combination is distinctive and makes OAM a central feature of customers' software organization (*i.e.* LDAP is its own product, but OAM does not use its entire scope of functionality, just its repository portion to store critical data). However, the fusion of these technologies also makes OAM a very complex product to support, because it requires an in-depth understanding of each technology and how it operates, as well as how it affects and is affected by other non-Oracle products and systems. The technical analysts on my team are highly experienced in OAM and understand its nuances better than any other support team at Oracle.

10. My team assists customers with access management by setting up test cases for quality control, creating performance statistics, and interacting with and advising different groups within Oracle that develop and improve the products we support. My team must also be competent in non-Oracle products that frequently interact with the products we support. For example, Oracle's operating system is called Oracle Linux, but we must also know other operating systems on which OAM runs, including IBM's "AIX" operating system, Microsoft Windows, and others. When a customer files a service request, we cannot always tell whether the problem is with OAM or with a supporting or tangential system, so knowledge of other

systems with which OAM interacts allows us to isolate the problem quickly and either resolve it or connect with the right team to assist the customer.

11. Supporting OAM is complex in part because it requires an understanding of OAM's different versions, as each version affects the functionality of the product itself and may interact differently with other Oracle systems and even non-Oracle components. Not all OAM customers share the same version of OAM, and not all customers necessarily have the most recent version. Knowledge of previous, current, and even future versions of OAM (*i.e.* knowing about upcoming features of OAM that may be included in upcoming versions) is essential to supporting our customers. The knowledge required to support OAM takes a long time to acquire and can only be mastered with hands-on experience with the product and its customers. Additionally, my team must understand scripts (a script is a way of automating manual steps), which is particularly essential to OAM because automating OAM and eliminating human error is extremely useful due to the many systems OAM impacts. Hands-on experience is key. The expertise in many other technologies makes dealing with OAM and supporting it a very complex process.

12. There are two other teams located elsewhere in the U.S. that roll up to my supervisor and provide support for the access management suite of products, and OAM in particular. My team also has counterparts in Romania and India. However, my team is unique because it provides support exclusively for the access management suite of products, and the other teams provide support for other suites such as the directory suite, which includes products like the Oracle Identity Governance (OIG). The OIG support team analysts (who also roll up to my supervisor) do not have in-depth knowledge of OAM because their product fits into a different part of the authentication cycle. Both the OIG and OAM are under Oracle's Identity Management suite of products and there is an inherent integration between them, but their underlying technology and the functions they perform are qualitatively different. OIG is simpler because it is used in the user creation process, when the user has not yet begun using the customer's systems. For example, it is used to give access to certain systems for new employees,

and set up their demographics like work address, office number, etc. Conversely, OAM is used when an employee actually begins work. Then, the employee may have issues with accessing certain privileges (*e.g.* a managerial employee should have access to information for his or her direct reports, but the system is not allowing the manager to login), or using certain passwords. These issues involve and impact a different set of technologies than OIG. For this reason, my team's expertise specifically in OAM makes them unique from other teams under Oracle's Identity Management umbrella.

13. As a manager, I manage the workload for my team, conduct performance reviews, allocate projects, and handle escalations of different issues. Prior to becoming a manager, I was a Technical Specialist-Support (job code 90022), so I know how to perform technical work like testing product functionality and interacting with customers on a technical level. My role and expertise are different from my colleagues, even those that share my job code and system job title. For example, there is a senior manager based at Oracle's headquarters who shares my job code, but our similarities begin and end there. She and her team provide software support for Oracle's software application server and the Java suite of products. Java is a coding language that provides a platform for writing code for many different products, whereas OAM is a unique product used for a specific task: data access management. OAM requires an extensive amount of "talking" and connecting between OAM and non-OAM components, and troubleshooting problems with OAM requires an intimate understanding of the non-Oracle components it interacts with, such as the Linux, Windows, or other operating system on which it is built, as described above. Although I have working knowledge of Java, I am unable to troubleshoot a Java program or even recognize that a problem might be related to Java. This is because Java and OAM use different technologies and require completely different sets of skills.

14. I have fifteen direct reports, five of whom are female. My direct reports span three career levels, including Technical Analyst 3, 4, and 5. One of my direct reports in Oracle's headquarters, [REDACTED], is a Technical Analyst 4-Support (job code 90023), and she has the same job title as [REDACTED], who works under my peer manager. The same differences that apply

to me and my peer manager apply to our direct reports.

15. [REDACTED] is not interchangeable with [REDACTED] because [REDACTED] does not have the same experience with the different non-Oracle technologies with which OAM interacts, such as web servers and operating systems like Windows. This familiarity is crucial for supporting customers who use OAM. For example, [REDACTED] must know how to utilize a heavily-used protocol called Light Directory Access Protocol (LDAP) upon which directory products are built. A directory product captures a company's directory, and OAM requires an initial setup of a directory structure to assign access management to groups and individuals within the company based on their position in the directory. There are various directory structures, all of which involve the use of the LDAP protocol. [REDACTED] must have intimate knowledge of LDAP and directory products, because even a small glitch in the LDAP protocol can have severe repercussions on OAM. Redirecting the customer to our counterpart teams that support directory products would be inefficient because, like [REDACTED], they do not know the OAM product. As a support engineer on the Java team, [REDACTED] does not need to understand other products that must be in place before OAM installation can occur, such as web servers like Apache, IBM, and others. If a web server is not accepting requests and not functioning properly, OAM's functionality will also fail.

16. Additionally, there are differences in skill level and expertise among the career levels of my direct reports. The biggest difference between an employee working at the IC3 career level and the IC4 career level is the ability to mentor and double-check the work of less experienced peers. An IC4's breadth of knowledge about OAM's versions would generally be much wider. For example, IC4s are generally familiar with older versions of OAM because they have worked in the field longer than a less experienced IC3. The ability to differentiate and compare the functionality of OAM among its many versions enables better customer support because that knowledge allows an IC4 to diagnose problems more efficiently.

17. I participate in hiring and compensation decisions for my team. When I select a candidate to hire, I work with my team's designated Human Resources Business Partner to discuss the appropriate salary for that candidate based on the market and other factors. In hiring

for my team, I look for candidates with experience with access management products like OAM and will offer a pay premium if needed to hire a candidate with that specific background, but I also value experience with products and systems on which OAM depends (such as directory services), and proficiency with systems administration, configuration, and performance tuning of various web servers and operating systems. Exposure to and expertise in other Oracle products is also a plus because Oracle products have a consistent installation module, and experience with installing one Oracle product yields familiarity that can be helpful in installing OAM. If a candidate has worked with Oracle products, I look to see whether they have experience handling failures in the product, as recovering from product failure is a crucial aspect of my team's daily work. The specifics of a candidate's prior experience and work are thus critical in my hiring decisions. Although I sometimes considered an applicant's prior pay prior to October 2017, it was never the sole or even primary factor – I used it more as a reference point than as a basis for my starting pay decision.

18. I recall hiring one of my direct reports, [REDACTED]. Her current job title is Technical Analyst 4 – Support (IC4) and her job code is 90023, and I initially hired her as a Technical Analyst 3 – Support (IC3) under the job code 90122. [REDACTED] had valuable experience at another tech company, Synopsys, and she was extremely familiar with various directory products and the LDAP and SSO technologies that are crucial for supporting OAM. During her interview, I recall asking many questions about the Unix operating system on which OAM runs. As a former Unix engineer, I wanted to test the depth of her knowledge on this system, and her answers impressed me. Although [REDACTED] had limited experience with Oracle products, her understanding of the underlying technology of OAM was excellent and she at that time matched the skills and proficiency needed for the Technical Analyst 3 – Support (IC3) position.

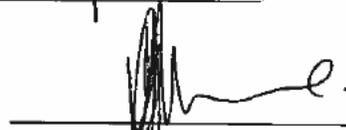
19. As a manager, I also determine compensation increases for my team in the form of focal increases (salary raises that occur periodically, generally annually, if and when there is a budget allocated to me by my manager). My process for determining focal increases involves looking to the performance ratings of each of my direct reports, on a scale from one to five (five

being reserved only for superstar performers). I rank my direct reports according to the effort they have contributed in the past year, which I measure by evaluating whether they went above and beyond expectations, put in extra hours and worked in earnest to make sure that problems were resolved for our customers, and efficiently managed their case load. I also try to reward individuals who have not received a salary increase in a long time but have been consistent and improved their work and widened or deepened their expertise and product knowledge. My compensation increase decisions have always been respected by my managers and I am not aware of any instance where a more senior manager overturned any of my decisions. Sometimes, my manager has asked me to explain the thinking behind my decision, but in those instances we have always had a discussion and come to an agreement before moving forward. I do not participate in bonus or equity distributions.

20. During my tenure at Oracle, I have regularly attended Oracle's mandatory training courses, some of which are offered annually and others biannually. I recall receiving trainings on different forms of discrimination including gender, race, and other protected characteristics, among other topics. These characteristics have never played any role in my hiring or compensation decisions at Oracle. Not once.

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, CA on 16 September, 2019.



Nachiketa Yakkundi