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OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR Plaintiff, V. **ORACLE AMERICA, INC.** Defendant.	Case No.: 2017-OFC-00006 **DECLARATION OF WILBUR A. COLIN MCGREGOR**

I, Wilbur A. Colin McGregor, state and declare as follows.

1. I am providing this declaration pursuant to a request from the U.S. Department of Labor, Office of the Solicitor.

2. I identify as a Black male of mixed descent and I worked for Oracle America, Inc. at the Redwood Shores facility from approximately the summer of 1993 to the present. I have personal knowledge of the matters stated herein and, if necessary, I could and would testify to the facts stated below.

3. I generally go by my middle name Colin.

4. I obtained a Bachelor's degree from the Massachusetts Institute of Technology. While I majored in computer science, I also obtained a minor in writing.

5. I originally came to Oracle through its college recruiting program. Prior to being hired by Oracle, I had worked for a little less than a year as a software developer at an investment bank.

6. I was hired by Oracle as a Technical Writer, an IC 2 position. In around 1997, I was promoted to Senior Technical Writer, an IC 3 position. I was promoted to Technical Writer Manager I, an M2 position in 2002. I became a Technical Writer Senior Manager, an M3 position, in around 2006. In 2014, I was promoted to Technical Writer Director, an M4 position. In around 2016, my job duties expanded in scope, whereas before I was responsible for managing documentation, I became responsible for managing documentation, curriculum and other learning assets. I currently hold the position of Director of User Assistance, a position I have held since early 2019. All of my positions have been within Product Development.

7. As a User Assistance Director, I manage content development for Oracle database products, including Oracle database, autonomous database, and recovery appliance.

As User Assistance Director my duties generally include: ensuring that my team develops new feature content according to product release milestones; managing special projects that expose our content to customers; hiring new employees, administering employee appraisals, issuing performance improvement plans in consultation with Human Resources and upper management; and providing guidance to my upper management team as to the current internal processes and how these processes may be improved.

8. As a manager, I have managed anywhere between four and twelve people. Currently, I have approximately eight employees reporting to me. The employees under me were traditionally referred to as technical writers. However, in around 2018, their titles were changed to User Assistance Developers. Generally speaking, these employees are responsible for creating technical content, which includes documentation, curriculum, tutorials, and other learning assets. I typically use a program called ST Project to delegate which Oracle database features a particular UA developer on my team will work on. ST Project is a project tracking tool that lets employees know their assignments, and lets me know their progress on those assignments.

9. While I did not receive an appraisal every year, when I did, I would normally receive an overall rating of four – exceeds expectation or five – outstanding. However, despite my well-received work as a manager, I am not the highest paid individual on my team. Currently, two of the employees who report to me are paid more: Redacted and Redacted . Up until in around June of 2019, a third employee who I supervise was also paid more than me: Redacted After 2019 focal, Redacted and Redacted continued earn than me. Currently, Redacted earns approximately $2,600 more than me. Redacted earns approximately $1,100 more than me. Prior to the 2019 focal review, Redacted earned approximately $3,100 more than me. Redacted started earning more than me in 2017. I only started managing Redacted and Redacted and that was when I became aware of their pay. Redacted and Redacted were Redacted from a different Redacted team. Their titles and their pay did not change

upon transfer to my team. I have the skills and abilities to do the work that Redacted and Redacted currently do. Redacted and Redacted are primarily responsible for Redacted. I used to write Redacted when I was a Senior Technical Writer. Redacted has created some Redacted as part of his work, but I assisted him in doing this. I also have writen code to develop documentation production tools to augment our tooling in User Assistance. In comparison to Redacted and Redacted, my abilty to code is the most utilized to my knowldge. Redacted are Redacted.

10. Up until approximately 2016, I did not recommend who on my team would receive a raise. I was merely told who was getting a raise and how much. The pools for raises on my team was typically around $8,000 or less, and the raises were only distributed to the top performers on my team, usually three or four people. It was my job to rate the members of my team, before the pool was allocated. I could see in the system that only three or four employees received raises. I could also tell that these individuals were the employees to whom I had given the highest ratings.

11. After 2016 until 2019, the raise pool stayed about the same, but I was given the authority to recommend who on my team should receive a raise, and how much of the pool. I remember getting guidance that I could not give a raise that was less than $1,000. I was told that they wanted to avoid peanut butter spreading – where you try to evenly distribute the raise to all or most of the team. This was something I heard from my upper managers prior to 2016.

12. During all time I was a manager, except for this year, the raise pool was small and not determined by me. I did not have the ability to recommend a pay raise that would fix an employee's pay if their pay was too low either in my opinion given the work they performed and/or as indicated by their compensation ratio given by Oracle's compensation application. For example, in the past I had employees who were below their range for their

positions. Distributing a small raise of $2,000 was not going to bring these employees within the range.

13. This year, 2019, during the focal review, I was given a much larger pool than I normally get to distribute. The 2019 pool for my team started as $30,000. In addition, there was no guidance as to how many employees or the minimum amount any employee should receive as their had been in the past. After I entered my raise into the system, I noticed that the raise distributions I had recommended changed. In fact, this happened twice. I noticed that Redacted, who was already paid more than me, and who I recommended receive over a $5,000 raise, received more money, not once, but twice as the approvals went up the chain. In the end, Redacted raise had almost doubled my recommendation and was just $500 less than the raise I received this year. I also noticed that the pool of money to be distributed had grown. By the time the raises had received final approval, approximately $6,000 had been added to the pool.

14. I want to be clear that I am glad that the raise pool this year was so big. I think the ability to recommend sizeable raises, and to be able to recommend distribution across all of my team is a good thing. I sincerely hope this continues.

15. During the focal review this year, I raised the issue of Redacted being paid more than me to my manager, Senior Director User Assistance Roland McLeod. After I learned what my raise was going to be, and learned the final raise amount for Redacted, I brought up the issue of my pay as it compared to my direct reports. He responded: If it were me, I would have given you the extra four thousand that went to Redacted.

16. I have been trying to get a promotion for the last few years. As I understand it, in order to get a promotion, I need to manage other managers. I also wanted to increase the size of the team. One of my proposals was to have my team merge with that of JF Verrier, another manager out of Oracle's office in France because we work on similar

technologies. I wanted to lead the merged team. Instead, I was effectively demoted and put under another manager.. I noticed however, one of my white peers was not effectively demoted as his reporting structure stayed the same. I found this move strange because I was moved under a manager who was not directly involved in core Oracle database content development. It would have made more sense, at a minimum, for me to me to manage JF and his team. I was told that the reason for this move was being made because Roland wanted to combine all of Autonomous Database User Assistance together under one roof. Since I was already managing Autonomous Transaction Processing Content Development, this could have been done by moving the Autonomous Data Warehousing Content Development to my team, instead of my entire team going to a different team.

17. In my 26 years at Oracle, I can only recall having known of three other Black employees to work in Technical Writing.

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

Executed on October 29, 2019, in San Jose, California,

Wilbur A. Colin McGregor

EXHIBIT B
NOTICE OF RIGHTS AND AGREEMENT TO ORDER REGARDING MATERIAL DESIGNATED CONFIDENTIAL

The U.S. Department of Labor's Office of Federal Contract Compliance Programs ("OFCCP") has filed a lawsuit against Oracle America, Inc. ("Oracle") alleging that Oracle has engaged in discriminatory employment practices at its Redwood Shores facility on account of race and sex. Specifically, OFCCP alleges that, with respect to certain specific job categories, Oracle has discriminated against its female, African American, and Asian employees in compensation and has discriminated against its African American, Hispanic and White applicants in hiring.

You have been provided information that Oracle has disclosed as part of that lawsuit and has designated as "Confidential" because the company believes the information constitutes (1) trade secrets or confidential commercial information; or (2) personnel records the disclosure of which would be an invasion of personal privacy. This information is subject to the attached Order by the U.S. Department of Labor Office of Administrative Law Judges. By signing below, you declare under penalty of perjury that you have read the attached Protective Order, that you agree to comply with and to be bound by all the terms of the Order, and promise not to disclose any information or item that is subject to this Order to any person or entity except in strict compliance with the provisions of this Order. You further agree to submit to the jurisdiction of the U.S. Department of Labor Office of Administrative Law Judges for the purpose of enforcing the terms of the Protective Order, even if such enforcement proceedings occur after termination of this Order. Your agreement is limited to the specific information Oracle has identified as confidential, and you retain rights protecting your ability to discuss your experiences in applying to or being employed by Oracle. You have the right to discuss your experiences with Oracle with law enforcement agencies and legal counsel of your choosing. If you are a current or former Oracle employee, you also have the right to discuss the terms and conditions of your employment with your Oracle colleagues.

In addition, Oracle may not intimidate or harass you, threaten or interfere in any way, or take any other adverse actions against you for talking or having talked to anyone at the Department of Labor about Oracle's employment practices, giving testimony in the case that OFCCP has brought against Oracle, or otherwise participating in the administrative proceedings and litigation under the Executive Order. In other words, no adverse actions can be taken against you for talking or having talked to anyone at the Department of Labor, for giving testimony in the case that OFCCP has brought against Oracle, or for otherwise participating in the administrative proceedings brought by OFCCP. If you feel that Oracle has in any way interfered with your ability to do so or has harassed, intimidated, threatened, coerced, or discriminated against you for doing so, please contact the Department of Labor.

Date: 10/29/19

City and State where sworn and signed: San Jose, CA

Printed name: WILBUR A.C. McGREGOR

Signature: [illegible]