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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR Plaintiff, V. **ORACLE AMERICA, INC.** Defendant.	Case No.: 2017-OFC-00006 **DECLARATION OF DONNA KIT YEE NG**

I, Donna Kit Yee Ng, 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 am an Asian woman who worked for Oracle America, Inc. at the Redwood Shores facilities from January 8, 2001 to May 21, 2019. I have personal knowledge of the matters stated herein and, if necessary, I could and would testify to the facts stated below.

3. I graduated from high school in Calgary, Canada. Between approximately 1990 and 1993, I attended Southern Alberta Technical Institute and received a certificate in Information Systems. I also studied the UNIX language at Ohlone College in Fremont, California.

4. Prior to joining Oracle, I had 14 years of experience in the technology industry. Immediately prior to working for Oracle, I worked at the Federal Reserve and held the title of Statistical Technician III. In this role, I was responsible for testing software, including the software for the Y2K transition.

5. I came to Oracle after being referred by a friend who was employed with Oracle at the time. I applied for a job in the EBS-XML group as a Quality Assurance (QA) Analyst. Although I knew the job title I was applying for, I did not know the level of QA Analyst I was applying for.

6. All of my roles at Oracle involved quality assurance, which is part of Product Development. I started out as a QA Analyst in the EBS-XML group. After about a year, the EBS-XML group merged into Application Tool Group (ATG) Core Products, where I continued to work as a QA Analyst on the EBS-XML Workflow. Then around 2004, I transferred to Financials Application, a different Oracle product. When I changed Oracle products, my pay did not change.

7. In 2005, I was promoted to the position of Senior QA. When I was promoted, my job responsibilities did not change.

8. In 2006, I was diagnosed with breast cancer and took an unpaid leave of absence. When I returned from leave in 2007, I was placed into a team working on a different product, the Fusion Financial App. In Fusion Financial App, I continued to work as a Senior QA. Later that same year, I was promoted to Project Lead, Quality Assurance.

9. Before I was promoted, my individual contributor level was IC 3. Around the time of my promotion, I also asked for an increase in IC level to IC 4. My manager Mark Shintani told me that he had recommended me for the increase in level. However, Mark later told me that his manager Ritu Bhargava rejected the recommendation and that I did not get the increase in level. Mark had one other direct report besides me, who was a man. This male colleague did the same level of QA work that I did, but on a different product. I learned from Oracle's ARIA system that, around this time, my male colleague received an increase in IC level from IC 3 to IC 4.

10. I held the title of Project Lead from 2007 until I was laid off in May of 2019. In my role as Project Lead, I was responsible for Fusion Financial Payment module. I was the only QA tester for the Payment module from 2007 until approximately 2016. From 2016 until 2017, several Product QAs from India joined my group, and I trained them on how to do QA for the Fusion Payment Product. I also trained Developers, Managers, Support Staff, other Products QAs and anyone that needed the knowledge of Payment modules worldwide. In total, I trained approximately 5 to 10 employees during this time.

11. In December 2017, I was transferred into the Capture team and continued to work as the Project Lead. I was the only QA tester for the Capture team until I left Oracle.

12. In December 2018, I was asked to perform work outside of my role of Project Lead and took on additional duties to cover Redacted, who was a Director, during Redacted Redacted. My additional responsibilities included tasks such as assisting with the Executives Daily meetings and creating meeting summaries for the Group VP Enda Hu. The purpose of the Executives Daily meetings was to discuss the Hot Customer Issues. I also represented the Financial App group in the Development Planning Committee meetings. These tasks were all outside of my Project Lead role and I completed them while still performing my regular job responsibilities. Even though I filled the Director's role, while covering my own role, I did not receive an increase in my salary for these duties.

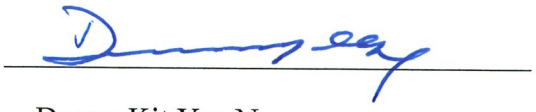
13. Between 2012 and when I left Oracle, I only received one annual bonus of $1,000.

14. In January 2019, my manager Rob Abbe, notified me by email and phone that because of a California audit, my salary was being increased to $94,603. I was not sure what Rob meant by California audit that was how he described it. Before this raise, I had not received a salary raise since I returned from sick leave over a decade earlier. During that time period I had not received a raise even though I had taken on significant additional responsibilities, including training employees and learning new products, technology, and security implementation. Although I received this salary increase, my IC level remained at IC 3.

15. Two months later, in March 2019, I received notice that I was being laid off, effective May 21, 2019. At this time, the last two performance reviews I had been given were 4-exceeds expectations. Two days before I received notice of the layoff, I had a one-on-one meeting with my manager Rob Abbe, who told me I was a model employee and that he wished all of his employees were like me. I received a WARN Act Notice that my position would be permanently eliminated as part of the Reduction in Force at Oracle Headquarters.

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

Executed on October 9, 2019, in Fremont, California,



Donna Kit Yee Ng