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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 RACHEL POWERS**

I, Rachel Powers, state and declare as follows.

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

2. I worked for Oracle America, Inc. at the Redwood Shores facility from approximately August of 2012 to around September of 2013. I have personal knowledge of the matters stated herein and, if necessary, I could and would testify to the facts stated below.

3. Prior to coming to Oracle, I had approximately 20 years of user-experience related to design and product development experience. In fact, in the job I had prior to working at Oracle, I co-led a team of approximately 200 employees located across 13 countries. I held the title of Senior Director. The team I co-led was responsible for the user-experience design of all products of the company. My role centered around operations, and my team included employees who held positions such as user-experience designers, program managers, and executive administrative support.

4. Prior to coming to Oracle, I taught user-experience design related courses at Northwestern University, Illinios Institute of Technology Institute of Design, and San Francisco State University. In addition, I was, and still am, an inventor and I have obtained four patents prior to coming to Oracle. These patents were design patents related to medical related devices. Currently, I teach courses involving product design, innovation, and entrepreneurship at University of California Berkeley. This is approximately my 19th year of teaching.

5. In terms of education, I have a Master's Degree in Teaching and a Bachelor of Fine Arts. My teaching degree is related to teaching art and design.

6. I was recruited to work at Oracle in around June of 2012 by Heather Parrot, one of Oracle's recruiters. Heather contacted me via LinkedIn. In her message, she wrote she was looking to recruit me to the seasoned design leader to lead and grow the User Experience Innovation for Oracle's healthcare and life sciences products. During the recruitment process, in a telephone conversation, Heather asked me to tell her what I earned at my most recent job; she told me that she wanted this information to make sure that Oracle's offer was in the budget of what they could afford. She wanted me to provide my salary and overall compensation package, which included restricted stock units and bonuses. Oracle's initial compensation offer was slightly more than what had earned in terms of salary, but significantly less in terms of stock, and bonus.

7. During the recruitment process, I was told that the position I was recruited for was the Director of User Experience. I negotiated for a Senior Director position. It was important for me to have a Senior Director position at Oracle because I held a Senior Director position at the company I worked at before coming to Oracle. I should point out that in my experience working in the tech industry, the HR stock title is important because it communicates to those you are working with the status level of your position. HR stock titles, such as Director and Senior Director, tend to be uniform throughout the industry. I believed that Oracle had agreed to my request, as my offer letter stated that I was offered the position of Senior Director and business card stated that I held the position of Senior Director of User Experience.

8. As the Senior Director of User Experience, I worked in Oracle's Health Sciences Global Business Unit, which is part of Product Development. This Unit was responsible for creating software for health sciences industry, including pharmaceutical, biotechnology, medical device, and healthcare organizations. As Senior Director of User Experience, I was responsible for managing and leading the design and product experience. My team included employees at Redwood Shores, Boston, and India.

9. It was my understanding that one of the benefits Senior Directors received at Oracle was business class travel for long-haul international trips. A few months into working for Oracle, I had to go to India for work. I assumed that I would travel business class. However, when I tried to book my business class ticket, the system would not allow me to do so. I assumed it was a mistake and contacted Oracle's travel agent on the phone. I was told that I could not fly business class because I only held a director position. I then called Heather Parrot to get what I thought was a mistake fixed. It was in this call that Heather informed me that I was not a Senior Director, but in fact only a Director. Heather also told me that there was nothing she could do to change my title. I brought the issue to my manager, Alex Choi, but he did not resolve it. Alex Choi held the position of Global Vice President of Product Development at the time.

10. I did not determine what cost center number was used for employees on my team. The cost center number for employees was something that automatically populated on expense reports. Expense reports were used for things such as travel. I did not use cost centers to determine an employee's skills, abilities, or work experience. I usually looked at an applicant's title to get a ballpark idea of what roles an employee had worked in, his or her resume, and to review portfolio and/or work samples, and see how well the applicant did on a design challenge I gave him or her. In my experience, the cost center in which an employee was located was not a factor in determining an employee's compensation, such as the employee's salary range, bonus grants, or stock options and restricted stock unit awards. Cost center number is not something I would have looked at to determine what product or products an employee works on at Oracle.

11. When I was hiring, I would sometimes talk to the recruiter about the salary range for a position. The recruiter had the information about salary range. I did not determine the range. I did not know how Oracle determined the salary ranges. If the applicant I wanted to hire was going to be paid in the range determined by the recruiter, I

would still have to write a business justification as to why the applicant should be hired, and send it up for approval. I did not know if the suggested amount of pay in the business justification was approved or rejected. I would typically just hear back from the recruiter whether or not the applicant accepted the position. I recall only finding out the pay of my employees once I got the budget. I did not receive copies of hire offer letters while at Oracle.

12. At Redwood Shores, John Bagby, Eric Mahlsedt, Jennifer Lum, and David McKay worked on my team. Jennifer and Eric were User Researchers. John and David were User Experience Designers. They all worked collaboratively. Jennifer and Eric were considered shared services meaning they worked with a variety of designers both at Redwood Shores and at other locations, on a variety of products. The designers on my team had between one and three products they each worked on. Designers could work alone or collaboratively with other designers on a product. It was not uncommon to switch who was working on what product due to need. We had weekly meetings to determine where the needs were, as well as to collaborate and provide feedback.

13. In 2012, I received a stock grant. In order for the stock options I received to vest, I had to work at Oracle for approximately four years. Some of the stock options were supposed to vest after 12 months. I was laid off in September of 2013, so my stock options never vested. This means that I did not receive any money or other form of financial profit from the stock grant.

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

Executed on October 1, 2019, in San Francisco, California,

Rachel Powers

Rachel Powers