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San Francisco, Ca

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 KRIS  
EDWARDS IN SUPPORT OF  
DEFENDANT ORACLE  
AMERICA, INC.'S MOTION TO  
SEAL LIMITED PORTIONS OF  
REPLY IN SUPPORT OF  
DEFENDANT ORACLE  
AMERICA, INC.'S MOTION FOR  
SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, FOR  
PARTIAL SUMMARY  
JUDGMENT**

I, Kris Edwards, declare as follows:

1. I make this declaration in support of Oracle America, Inc.'s ("Oracle") Motion to Seal Limited Portions of Reply in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment and limited portions of the materials submitted in support thereof (collectively, "Oracle's MSJ Reply"). I have personal knowledge of the matters discussed in this declaration or, where stated, base my statements on information and belief or my review of records kept in the regular course of business by Oracle. If called to testify to the information in this declaration, I could do so competently. 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 and am providing it voluntarily.

DECLARATION OF KRIS EDWARDS IN SUPPORT OF ORACLE'S MOTION TO SEAL

2. I am currently Senior Director of U.S. Compensation, and have been since approximately September 2018. Prior to that I worked at Oracle as Director, U.S. Compensation (from approximately January 2017 to September 2018) and as a Principal Compensation Consultant (from approximately May 2016 to January 2017). I joined Oracle in May 2016; previously I had worked at Teletech, Great-West Life, Qwest, First Data Corporation, and self-employed as a consultant, all in compensation-related roles. I hold a B.S. in business administration from the University of Nevada, Las Vegas.

3. In my current role, I am responsible for Oracle's U.S. compensation programs; the administration, setup, and rollout of annual focal review, corporate bonus, and equity programs (when offered); overseeing the maintenance of and updates to Oracle's U.S. job table and salary ranges; and supervising all of the U.S. compensation consultants, who provide consultation to Oracle's HR business partners, recruiters, and managers to help them make compensation management decisions. I report to Phil Jenish, Oracle's VP of Compensation and Workforce Intelligence.

4. Given my current and former roles and history with Oracle, I am familiar with Oracle's policies and business practices regarding treatment of confidential commercial information related to Oracle's compensation- and job architecture-related materials and confidential information about current and former employee compensation, along with confidential material related to proposed compensation for candidates. I have reviewed the following materials that Oracle seeks to seal and the redacted versions of the same, the latter of which are attached as exhibits to the Declaration of Erin Connell in Support of Defendant Oracle America, Inc.'s Motion to Seal MSJ Reply:

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<b>Connell Decl. Exhibit</b>	<b>Document Name</b>	<b>Confidential Material</b>
<b>A</b>	Defendant Oracle America, Inc.'s Response to Plaintiff OFCCP's Statement of Disputed Facts in Opposition to Oracle's Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment	<p>Confidential information regarding budgets, bonuses and/or raises: pp. 12-13, 45-47, 64, 104, 113, 121, 131-132, 143-146, 158-159, 163-164;</p> <p>Salary range information: pp. 23-24;</p> <p>Internal job structure: pp. 33-36;</p> <p>Confidential information regarding equity grants: pp. 46, 141-142, 164;</p> <p>Compensation and/or salary offer information of non-party job candidate: pp. 50, 246; and</p> <p>Compensation information of non-party employees: pp. 160-161;</p>
<b>C</b>	Defendant Oracle America, Inc.'s Responses to Plaintiff's Objections to Evidence in Support of Oracle's Motion for Summary Judgment	Salary range information: p. 13

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***Portions of Oracle's Reply Contain Confidential and Proprietary Compensation-Related Material.***

5. Multiple items among the redacted materials in the above chart contain confidential and proprietary information about Oracle's compensation structure, and more particularly, specific numbers for salary ranges for various positions and private information regarding certain employees, including their current salary, their salary offers for new positions, and/or the justifications for requested salary offers based on their particular employee assets.

6. The commercial value of the types of information described in paragraphs five six above, hinges entirely on its remaining confidential. The information concerning Oracle's compensation structure – the salary ranges Oracle has determined are appropriate for certain employee positions and the premiums Oracle deems appropriate to pay to attract certain talent – are the result of work-product, developing an understanding of the labor markets in which Oracle competes, and refinement through trial and error. Oracle uses salaries and premium pay to compete for talent, and so the value of this work product is necessarily dependent upon keeping it confidential within Oracle. To that end, Oracle has expended significant resources over many years to develop, adjust, and refine its compensation strategies, both to advance its business interests, and to attract and retain its workforce.

7. The ability to attract and retain talent drives Oracle's business success because its talented workforce is the lifeblood that drives all the services, products, and support Oracle provides to its customers. Oracle is keenly aware that competition for talent is fierce within the technology industry; Oracle competes not only against major technology companies, but it often competes for talent with emerging companies – this is especially true within California. As a result, disclosing detailed salary information to Oracle's competitors would undermine its ability to attract talent, while empowering its competitors. In other words, Oracle's competitors would be able to leverage Oracle's information to develop compensation structures designed to outbid Oracle in hiring or entice Oracle employees to leave. That, of course, would undermine Oracle's business, which as noted above, is dependent upon its talented employees.

***Portions of Oracle's Reply Contain Confidential Compensation Information Derived from Employee Personnel Files and Similar Files Related to Job Candidates and Secured Databases.***

8. Various materials found in the above chart contain the specific compensation amounts for Oracle employees or job candidates.

9. Employees' and candidates' specific compensation information is derived from personnel and similar files and Oracle databases to which Oracle limits access. Oracle limits access to personnel and similar files and data, because the information relates to personal, private, and highly sensitive information Oracle has about its employees or job candidates. Oracle respects its employees' privacy interests and maintains strict internal confidentiality policies to limit dissemination of the information found within personnel or similar files. Safeguards Oracle employs to maintain the confidentiality of personal compensation information include limiting access by assigning access rights to only certain persons. For example, managers can view compensation information regarding employees who report up to them, but they generally do not have access to other employees within the broader line of business or organization. Similarly, certain individuals responsible for matters related to compensation (e.g., me), HR, payroll, etc., have access to a broader set of employees' compensation information based on business needs. In the absence of access rights such as those described above, personal compensation information is completely restricted.

10. The personal privacy interests of the Oracle employees or job candidates whose compensation information is identified in the redacted portions of materials described above would be compromised if their salaries or salary histories became public.

***Confidential Job Architecture-Related Documents.***

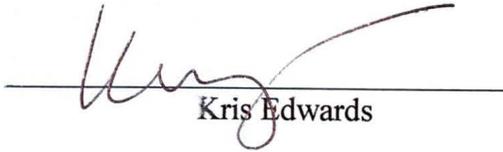
11. Various materials found in the above charts contain specific information detailing Oracle's job architectures, reflecting Oracle's proprietary and confidential human resources strategies for structuring job positions and promotions. The way that Oracle organizes its workforce was developed internally and is the direct result of substantial effort and investment

over decades, with an overarching objective of effectively accounting for and organizing its large workforce. The way in which Oracle has successfully structured its workforce is an integral component of its objective to maintain its competitive position within the technology sector. The architecture has been steadily refined in response to business and customer needs, and market demand.

12. Oracle undertakes substantial efforts to maintain confidentiality over the materials discussed above by limiting the access to, and distribution of, such information. Oracle restricts internal access to the information, limiting distribution to only those with a legitimate business need to know. When the information is disseminated internally, Oracle's general practice is to mark it Confidential, Oracle Internal, and/or Highly Restricted. Oracle also controls and safeguards this information by entering into agreements with employees that prohibit them from sharing or using any proprietary information externally or internally in the absence of a legitimate business need—and explicitly prohibiting the unnecessary use or sharing of the types of information discussed above, such as the compensation of other Oracle employees and non-public financial information.

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

Executed in Littleton, CO on November 7, 2019

  
Kris Edwards