

**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 ERIN CONNELL
IN SUPPORT OF DEFENDANT
ORACLE AMERICA, INC.'S REPLY IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR PARTIAL
SUMMARY JUDGMENT**

RECEIVED

NOV 08 2019

**Office of Administrative Law Judges
San Francisco, Ca**

DECLARATION OF ERIN CONNELL ISO ORACLE'S REPLY MOTION FOR SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT

CASE NO. 2017-OFC-00006

I, Erin M. Connell, declare as follows:

1. I am a member of the State Bar of California and authorized to practice before this Court. I am a partner with Orrick, Herrington & Sutcliffe LLP, attorneys of record for Defendant Oracle America, Inc. in the above-titled action. I make this declaration in support of Defendant Oracle America, Inc.'s Reply in Support of its Motions for Summary Judgment Or, in the Alternative, for Partial Summary Judgment. The facts set forth in this declaration I know to be true of my own personal knowledge, except where such facts are stated to be based on information and belief, and those facts I believe to be true. If called as a witness, I could and would testify competently to the matters set forth in this declaration.

2. Attached hereto as **Exhibit A** is a true and correct copy of the errata dated September 3, 2019 to Shauna Holman-Harries' August 1, 2019 PMK Deposition.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the transcript of the Deposition of Juan Loaiza, which took place on June 14, 2019.

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

Executed in San Francisco, California on November 8, 2019.



Erin M. Connell

EXHIBIT A

OFCCP V. ORACLE AMERICA, INC.
OALJ CASE NO. 2017-OFC-00006
OFCCP No. R00192699

DEPOSITION ERRATA SHEET FOR THE DEPOSITION OF
SHAUNA HOLMAN-HARRIES, TESTIFYING ON BEHALF OF ORACLE AMERICA,
INC.
TAKEN ON AUGUST 1, 2019

PAGE(S): LINE(S)	CURRENT TEXT	CORRECTED TEXT	REASON FOR CHANGE
26:17-19	If you look at Item 11 on Page ORACLE_HQCA_417306, it requested Oracle provide analyzed compensation data, correct?	If you look at Item 11 on Page ORACLE_HQCA_417306, it requested Oracle provide annualized compensation data, correct?	Transcription error
63:15-19	We – I don’t remember the names, but we did talk to some of our – our folks in IT, and also – it – it’s kind of like a HARS department and ask them if they would be able to pull up the salary and the current position.	We – I don’t remember the names, but we did talk to some of our – our folks in IT, and also – it – it’s kind of like a HRIS department and ask them if they would be able to pull up the salary and the current position.	Transcription error
71:14-16	We were waiting for – for information from the OFCCP as to the basis for the 2013 snapshot, and we did not get that.	We were working to compile the information OFCCP requested.	Correction for accuracy. As a result of the numerous audits OFCCP has conducted of Oracle in a similar time frame, Ms. Holman-Harries confused the HQCA audit with another audit.
72: 12-14	We collected information that was similar to the ’14 data in preparation for OFCCP to respond to our question.	We were in the process of collecting information similar to the ’14 data.	Correction for accuracy. As a result of the numerous audits OFCCP has conducted of Oracle in a similar time frame, Ms. Holman-Harries confused the HQCA audit with another audit.

**DEPOSITION ERRATA SHEET FOR THE DEPOSITION OF
SHAUNA HOLMAN-HARRIES, TESTIFYING ON BEHALF OF ORACLE AMERICA,
INC.
VOL. 1**

PAGE(S): LINE(S)	CURRENT TEXT	CORRECTED TEXT	REASON FOR CHANGE
72: 22-25	We compiled – we compiled it. We pulled the data, but we were waiting for OFCCP to provide the justification that we asked for in our correspondence with them.	We were in the process of compiling the data at the time OFCCP issued its NOV.	Correction for accuracy. As a result of the numerous audits OFCCP has conducted of Oracle in a similar time frame, Ms. Holman-Harries confused the HQCA audit with another audit.
73: 6-13	It was – it was compiled in the background. I’m not sure if there were one or two fields that we had to pull in, but we were working on it. And we were waiting for OFCCP to answer our question to provide the basis for requested the data. And – but we were working on it behind the scenes, waiting for that request.	It was – it was compiled in the background. I’m not sure if there were one or two fields that we had to pull in, but we were working on it.	Correction for accuracy. As a result of the numerous audits OFCCP has conducted of Oracle in a similar time frame, Ms. Holman-Harries confused the HQCA audit with another audit.
76: 21	Yes	I don’t recall.	Correction for accuracy. As a result of the numerous audits OFCCP has conducted of Oracle in a similar time frame, Ms. Holman-Harries confused the HQCA audit with another audit.
155: 8-9	THE REPORTER: It also is creeping into conciliation.	MS. BREMER: It also is creeping into conciliation.	Transcription error
204: 8-12	There was a letter that Eric Connell wrote, and then there was – I think there were a few examples in the letter that we just – we went over that Gary wrote of – of some differences and a few of what the people did as an example.	There was a letter that Erin Connell wrote, and then there was – I think there were a few examples in the letter that we just – we went over that Gary wrote of – of some differences and a few of what the people did as an example.	Transcription error

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT) OALJ Case No.
COMPLIANCE PROGRAMS, UNITED) 2017-OFC-00006
STATES DEPARTMENT OF LABOR,)
) OFCCP No.
Plaintiff,) R00192699
)
vs.)
)
ORACLE AMERICA, INC.)
)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF JUAN LOAIZA
San Francisco, California
Friday, June 14, 2019

Reported by:
Ashley Soevyn,
CSR No. 12019
Job No. 190614ASE

09:45:56 1 obviously, but it's a characterization of that, yes.
2 BY MR. GARCIA:
3 Q It also identifies at that time in March
4 of 2015 that you had around 500 people; is that
09:46:17 5 correct?
6 A Yes, that's correct.
7 Q Also identifies in the document that as
8 of that time that you didn't do a lot of hiring; is
9 that correct?
09:46:27 10 A I didn't personally do a lot of hiring.
11 Q Okay.
12 A The organization certainly did hiring.
13 Q Right.
14 And it identifies that the -- mostly
09:46:37 15 hire -- hiring managers were the first-level
16 managers in your organization; those are the people
17 who did most of the hiring; is that correct?
18 A Yes, that's correct.
19 Q And then there was an approval process;
09:46:51 20 is that correct?
21 A Yes, that's correct.
22 Q It further states that these hiring
23 managers determined compensation, and then you
24 approved the compensation.
09:47:02 25 Was that a -- is that a correct statement

09:47:04 1 at the time?

2 A Yes, that's correct.

3 Q It also identified that your organization
4 hired a lot from the universities; is that correct,
09:47:13 5 at that time?

6 A Depends on what you mean by "a lot," but
7 we did hire from both university and -- and -- and
8 from industry.

9 Q Who set the -- the salaries for the
09:47:32 10 people who are hired from the colleges?

11 A The college salaries were generally set
12 by our college recruiting department.

13 Q Was that run by Larry Lynn and Chantal
14 Dhumal?

09:47:46 15 A I believe so.

16 Q And who set the compensation for those
17 not coming from the colleges?

18 A That would be primarily the hiring
19 manager.

09:47:56 20 Q And then you would review whatever
21 compensation he or she recommended, correct?

22 A Yes, I would be on the approval process
23 for that.

24 Q And when you were on the approval
09:48:11 25 process, could you cause a change to the salary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; further, that the foregoing is a true record of the testimony given.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 26, 2019 _____


ASHLEY SOEVYN
CSR No. 12019