

**From:** Doles, Robert - OFCCP <Doles.Robert@dol.gov>  
**To:** 'Shauna Holman Harries' <shauna.holman.harries@oracle.com>  
**CC:** Luong, Hoan - OFCCP <Luong.Hoan@dol.gov>; Atkins, Hea Jung K - OFCCP" <Atkins.HeaJung@dol.gov>; Neil Bourque <neil.bourque@oracle.com>; Charles Nyakundi <charles.nyakundi@oracle.com>; Lida Daniel <lida.daniel@oracle.com>; Sean Smith <sean.s.smith@oracle.com>; Kela Moon <kela.moon@oracle.com>; Bill Couch <william.couch@oracle.com>  
**Sent:** 3/29/2016 10:04:05 PM  
**Subject:** RE: Receipt of Letter - HQCA  
**Attachments:** Pending Information Requests.docx

Dear Ms. Holman-Harries:

This responds to your email communication dated March 18, 2016.

Your email communication indicates that the Agency failed to advise Oracle of any findings in advance of issuing the Notice of Violations on March 11, 2016, in violation of the FCCM. We disagree.

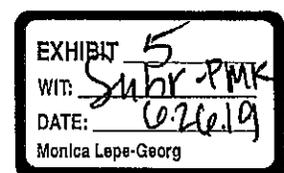
During the entrance conference held on March 24, 2015, OFCCP discussed with you and other Oracle representatives the preliminary indicators and areas of concern at issue in the compliance evaluation, including Oracle's compensation and hiring practices. At the exit conference held on March 27, 2015, OFCCP informed you and Neil Bourque that the Agency would conduct further analysis and any Agency findings would be issued in a formal notice. Upon conclusion of the follow-up onsite review on June 25, 2015, OFCCP informed you and Oracle representatives Neil Bourque, Charles Nyakundi, and outside counsel Gary Siniscalco that the Agency would review the information collected and conduct further analysis to determine its findings. On December 22, 2015, OFCCP also indicated to you that additional information was needed to further investigate potential violations.

Throughout the compliance evaluation process, OFCCP also requested that Oracle comply with all outstanding data requests (see attachment), some of which had been pending since November 19, 2014 and also indicated the Agency's preliminary indicators and areas of concern. Despite numerous follow-up requests and deadline extensions, OFCCP's information requests were met with unsubstantiated objections or were simply ignored.

At this stage, OFCCP is prepared to engage in a meaningful, good faith and timely conciliation process in order to attempt to reach an acceptable resolution of the Notice of Violations. During conciliation discussions, OFCCP will address any questions or concerns you or other Oracle representatives may have about our findings. OFCCP also asks that Oracle provide a representative who is prepared to discuss in detail Oracle's rebuttal position and analysis to the Notice of Violations, which should clearly set forth, through evidence, how the Agency's analysis is flawed or how the observed disparities are explained by legitimate, nondiscriminatory reasons or business necessity. Argument of counsel, affirmations of good faith in making individual decisions, and cohort comparisons are insufficient to rebut statistical evidence of systemic discrimination.

Please let us know whether an Oracle representative with decision-making authority and an Oracle representative with the requisite knowledge noted above will be available to meet during the week of April 18, 2016 to conciliate this matter. We look forward to hearing from you.

*Robert A. Doles, Esq.*  
*District Director*  
*Greater San Francisco Bay District Office*  
*Office of Federal Contract Compliance Programs*  
*90 7th Street, Suite 18-300*  
*San Francisco, CA 94103*  
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**From:** Shauna Holman Harries [mailto:shauna.holman.harries@oracle.com]  
**Sent:** Friday, March 18, 2016 11:36 AM  
**To:** Doles, Robert - OFCCP  
**Cc:** Luong, Hoan - OFCCP; Atkins, Hea Jung K - OFCCP; Neil Bourque; Charles Nyakundi; Lida Daniel; Sean Smith; Kela Moon; Bill Couch  
**Subject:** RE: Receipt of Letter - HQCA

Dear Mr. Doles,

I received your request for a position statement. But I'm afraid we don't understand the request or the timing.

We are not aware of any requirement to provide a position statement at this point in the process. Our understanding of the process according to Section 8G01 of the FCCM is that "conciliation discussions may involve various methods of communication including the exchange of letters and emails, telephone conferences and in person meetings." Nothing seems to call for a position statement at this point in time.

The agency failed to advise Oracle of any findings in advance of issuing a Notice of Violation. This seems in violation of Section 2P00 of the FCCM which states "After advising the contractor of its compliance evaluation findings, the CO must provide formal notification through a Predetermination Notice or Notice of Violation"). Therefore we are at a complete loss in understanding how the agency arrived at its findings. Moreover, given what is contained in your March 11 letter and the attached summary data analysis, we have insufficient basis upon which to prepare a position statement.

We do, of course, have many questions and concerns about the findings and your various references to the compliance review process, our data submissions, and your various statements about refusal and access. Before we can offer a meaningful statement of position we will need to address these various issues and gain a better understandings of the facts on which you relied.

In terms of timing, I'm sure you are aware of the many outstanding OFCCP evaluations being conducted by the agency. We can't do multiple things, or be in multiple places, simultaneously given the numerous reviews. My team and I are working with other OFCCP offices on on-sites (next week we have one on the east coast), and we are dealing with numerous information requests prior to scheduling five other on-sites.

I'm open to your thoughts and suggestions on how best to proceed. In the meantime, it would be helpful if you would provide the following:

The details of each data analysis referenced in your letter; information you believe was destroyed or required records that OFCCP believes were not kept (leading to your presumption that such information was unfavorable); and record documentation of refusals you reference.

Your response to the foregoing would be a useful start to help us to better understand your findings.

Best Regards,  
Shauna Holman-Harries

**ORACLE**

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Pending Information Requests

No.	Date(s) of Request	Data Requested	Status of Request
1	11/19/14; 1/22/15; 1/28/15; 04/27/15; 5/11/15; 5/28/15; 11/2/15	Internal pay equity analysis	Past due
2	11/19/14; 2/10/15; 4/27/15; 5/11/15; 5/28/15; 7/30/15; 10/14/15; 11/2/15	Compensation database, snapshot 01/01/2014, with name of school attended, educational degree earned, prior salary immediately before joining Oracle and years of experience before joining Oracle	Past due
3	7/30/15; 8/28/15; 9/21/15; 10/1/15; 10/14/15; 11/2/15	Compensation database, snapshot 01/01/2013	Past due
4	2/10/15; 4/27/15; 5/11/15; 5/28/15; 10/14/15; 11/2/15	Employee personnel actions (including wage increases, bonus awards, job title hired into, starting stock level, job title and supervisor changes, stock level changes, promotion history, performance evaluations, ranking information)	Past due
5	10/14/15; 11/2/15	Applicant flow database (01/01/13 – 06/30/14)	Past due
6	7/30/15; 10/1/15; 10/14/15; 11/2/15	Applicant flow database (01/01/12 – 12/31/12)	Past due
7	6/24/15; 7/27/15; 9/2/15; 9/29/15; 10/1/15; 10/14/15; 11/2/15	Labor Condition Applications and Public Access Files	LCAs for 71 out of 990 employees are past due
8	4/27/15; 5/11/15; 5/28/15; 7/30/15; 10/1/15; 10/14/15; 11/2/15	Hiring documents: copies of applications, resumes, requisitions, job postings, job descriptions, names and job titles of hiring managers for job group PT1.	Incomplete
9	7/30/15; 10/14/15; 11/2/15	Non-redacted personnel files	Incomplete
10	1/4/16	Signed manager interview statements	Past due
11	04/27/15; 05/11/15; 05/28/15; 07/30/15; 10/14/15; 11/02/15	Resubmit resume files in an easy to read format. The picture-format resumes that were pasted on MS Word are illegible	Past due
12	05/29/15; 07/02/15; 10/14/15; 11/02/15	Employee contact information	Past due
13	03/04/15; 03/24/15; 03/26/15; 04/15/15; 10/14/15; 11/02/15	Internal and external employee complaints	Past due