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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 ALI SAAD,
PH.D. IN SUPPORT OF ORACLE
AMERICA, INC.'S OBJECTIONS
TO EVIDENCE IN SUPPORT OF
OFCCP'S MOTION FOR
SUMMARY JUDGMENT**

I, ALI SAAD, hereby declare as follows:

1. I am the Managing Partner of Resolution Economics Group LLC, a firm whose activities include performing economic and statistical analyses in connection with litigation and other consulting matters. Before beginning my consulting career I was a tenure track member of the faculty of the economics and finance department at Baruch College of The City University of New York. While there I taught labor economics, micro and macroeconomics, econometrics, and economic history. In connection with my consulting, I have extensive experience providing statistical and economic analyses in connection with company pay equity studies, evaluations of compensation systems, and class action employment cases, including employment discrimination and wage and hour matters. I have also published and lectured on these topics. A consistent focus of my work has involved economic and statistical analyses related to claims of systemic

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gender discrimination. In the litigation context, I have significant experience in analyzing complex data for the purpose of assisting counsel in evaluating both class certification and liability, including in compensation discrimination cases. I hold a Ph.D. in Economics from The University of Chicago, and a B.A. in History and Economics from The University of Pennsylvania. I have been qualified as an expert witness in both Federal and State Courts. My resume, including all publications and testimony over the past four years, was previously provided in connection with my expert reports in this matter.

2. I previously submitted both initial and rebuttal expert reports on July 19, 2019 and August 16, 2019, respectively. Dr. Janice Madden submitted initial and rebuttal reports on those same dates. Those reports were submitted based on a schedule for expert reports which I was informed about a number of months earlier.

3. I have now been asked by counsel for Oracle America, Inc. (“Oracle”) to respond to certain aspects of a new post-rebuttal declaration written by Dr. Madden dated October 11, 2019 (the date of my deposition in this matter). In particular, I was asked to review and provide additional information regarding and context for Dr. Madden’s analysis as presented in Exhibit B of that declaration.

4. In connection with Dr. Madden’s new declaration, it is my understanding that no computer backup was provided to Oracle’s counsel until midway through my deposition on October 11, 2019. For an expert to properly evaluate statistical results presented in summary tables, the backup programs and computer logs are fundamental to understanding and interpreting the results. Summary tables alone do not contain sufficient detail to permit an assessment of the validity of an analysis.

5. Dr. Madden uses an entirely new methodology in her Exhibit B to study whether there are differences across groups in the global career level hired into versus the global career level applied for. She estimates a multipool selection model, which is not a methodology found in any of her previous work in this matter.

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6. In her August rebuttal report, Dr. Madden explained that she “use[s] age (and age squared) along with controls for highest degree attained and for Oracle tenure as a proxy for experience before coming to Oracle” (p. 13, n.4), and that she does so in order to (in her view) “identify similarly situated employees” (p. 13). In Exhibit B, she excludes any age control (or any control for educational attainment) – meaning she compares applicants without regard to even these crude measures of “experience.”

7. In her August rebuttal report, Dr. Madden critiqued my analysis of global career level at hire because it “did not control for the global career levels of the job requisitions” (p. 4), and presented her results separately by career level for three levels only (p. 35; Charts R1 and R2). In Exhibit B, Dr. Madden presents results aggregated across all levels, which is the approach she previously criticized.

8. When I examined the backup materials to the aggregated summary results underlying Dr. Madden’s Exhibit B, I find that there is considerable variety in the gender and race outcomes by IC and M levels and the various years analyzed. There are over 50 combinations of level applied to and year, and Dr. Madden’s aggregated bottom-line finding masks instances of no difference between the actual and expected number of outcomes, positive differences between actual and expected outcomes, and negative differences.

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

Executed in Los Angeles, California on October 30, 2019.



Ali Saad, Ph.D.