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 JAMES E. STANLEY IN SUPPORT OF ORACLE AMERICA, INC.'S ADDITIONAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT ORACLE'S OMNIBUS MOTION TO SEAL HEARING EXHIBITS**

I, James E. Stanley, declare as follows:

1. I am a member of the State Bar of California and authorized to practice before this Court. I am an attorney with Orrick, Herrington & Sutcliffe LLP, attorneys of record for Defendant Oracle America, Inc. ("Oracle") in the above-titled action. I make this declaration in support of Oracle's Additional Memorandum of Points and Authorities in Support of Oracle's Motion to Seal ("Additional Briefing"). 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. Oracle seeks to seal portions of Hearing Exhibits J-15, J-23, P-46, and D-40, which are the subject of Oracle's Additional Briefing. These exhibits are attached for reference as Exhibits A, B, C, and D, respectively, to the Declaration of Victoria Thrasher in Support of

Oracle's Additional Memorandum of Points and Authorities in Support of Oracle's Omnibus Motion to Seal, dated April 2, 2020. The portions of Hearing Exhibits J-15, J-23, P-46, and D-40 that Oracle seeks to seal were produced to OFCCP and expressly designated as "Confidential" pursuant to the May 22, 2019 Protective Order adopting and amending Judge Larsen's May 26, 2017 Protective Order ("Protective Order").

3. Attached hereto as **Exhibit A** is a true and correct copy of the U.S. EEOC's Fact Sheet for EEO-1 Survey Filers, located at https://www.eeoc.gov/employers/eeo1survey/fact_sheet_filers.cfm.

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

Executed on April 2, 2020, in Sacramento, California.

James E. Stanley

EXHIBIT A

U.S. Equal Employment Opportunity Commission

Fact Sheet for EEO-1 Survey Filers

This fact sheet provides a list of important deadlines and reminders in order for your company to successfully complete the EEO-1 Survey process.

1. Returning filers: please be advised that companies will be issued a temporary password and will be required to change it upon accessing the EEO-1 application.
2. When completing the EEO-1, use data from **only** one payroll period in either October, November or December of the survey year and include both part-time and full-time employees. The survey does not require applicant data
3. Companies must provide Employer Identification Numbers (EIN) for all establishment locations.
4. The preferred method of identification for the race/ethnicity categorization of employment data is **self-identification**. Employers are required to attempt to allow employees to use self-identification to complete the EEO-1. If any employee declines to self-identify, employers may consult with employee-provided information when on-boarded or the employer may use visual observation.
5. The employee threshold for federal contractors and all other covered private employers for reporting is for the employer as a whole, after totaling employees based at the headquarters and at all locations, or establishments. Covered multi-establishment companies must report employment data for all its establishments, including those with fewer than 50 employees.
6. Single-establishment companies file a **Type 1 report only**.
7. Multi-establishment companies must file (at least **three** applicable) report types:
   a. **Consolidated Report (Type 2)** - must include all employees of the company categorized by race, gender and job category.
   b. **Headquarters Report (Type 3)** - must include all employees who work at or report to the main office site of the company. Employment data must be categorized by race, gender and job category. A separate EEO-1 report is required for the Headquarters establishment *even if* there are fewer than 50 employees who work there.
   c. Sites with **more than 50 employees (Type 4) -** also called an establishment report - must be submitted for **each** location with 50 or more employees. Employment data must be categorized by race, gender, and job category
   d. Sites with **fewer than 50 employees-**
      i. **Type 8** - employment data for **each** location must be categorized by race, gender, and job category. OR
      ii. **Type 6** - establishment list - includes establishment name, address and total number of employees for **each** location with less than 50 employees**

   ****NOTE:** If you choose to create a Type 6 data establishment list report for each establishment employing fewer than 50 employees, you **MUST** manually enter data categorized by race, gender and job category into the Type 2 - Consolidated Report and include all company employees. If you choose to create a Type 8 report for each establishment employing fewer than 50 employees, you must enter employment data categorized by race, gender and job category for each Type 8 report. The employment data entered for each such establishment will automatically populate the Type 2 - Consolidated Report.

8. It is strongly encouraged that companies have one individual serve as the EEO-1 contact and another person serve as the certifying official.
9. **Certification** of the EEO-1 report is **mandatory**. Without certifying your report, your company **will** receive a **failure to file** notification**.**
10. When you finish your EEO-1, please do not forget to **save a .pdf copy** for your company's records.
11. **The EEOC requires that EEO-1 reports be submitted via the *EEO-1 Online Filing System*, or as an electronically transmitted data file. All data are encrypted, ensuring your security.**