
From: Shauna Holman Harries <shauna.holman.harries@oracle.com>
To: Doles, Robert - OFCCP <Doles.Robert@dol.gov>
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Sent: 3/18/2016 6:35:31 PM
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

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