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**UNITED STATES DEPARTMENT OF LABOR
 OFFICE OF ADMINISTRATIVE LAW JUDGES**

	:	
OFFICE OF FEDERAL CONTRACT	:	
COMPLIANCE PROGRAMS, UNITED	:	
STATES DEPARTMENT OF LABOR,	:	
	:	Case No. 2017-OFC-00006
Plaintiff,	:	
	:	
v.	:	
	:	
ORACLE AMERICA, INC.	:	
	:	
Defendant.	:	
	:	

DECLARATION OF JANICE F. MADDEN

I, Janice F. Madden, state and declare as follows:

1. The Office of Federal Contract Compliance Programs, U.S. Department of Labor has retained me as an expert labor economist and statistician in *OFCCP v. Oracle America, Inc.*
2. I have personal knowledge of the matters set forth in this declaration, and I could and would competently testify thereto if called upon to do so.

3. I am a labor economist with extensive experience in the analysis of labor markets and, in particular, gender and racial differentials in labor markets. My scholarly work has frequently dealt with the labor market for workers in science and technology. I have published my research dealing with the effects of age, race, gender, and urban location on labor market outcomes and metropolitan variations in income distribution in the most prestigious economics journals. My research has been peer reviewed and competitively funded by a variety of government agencies and private foundations, including the National Science Foundation and the National Institute of Mental Health.

4. I was tenured as Professor of Regional Science, Sociology, and Real Estate at the University of Pennsylvania (“Penn”). I was appointed as a professor at the Wharton School at Penn in 1972. Since then, I have taught courses dealing with economics, labor markets, and the relevant statistical methodologies for both graduate and undergraduate students at Penn. I also served as the Vice Provost for Graduate Education at Penn from 1991 to 1999. I was the chief academic officer responsible for doctoral and masters programs at Penn, including those in engineering and computer programming for nine years.

5. Additionally, I served as Chair of the National Research Council Committee on Assessing the Portfolio of the Science Resources Studies Division of the National Science Foundation, resulting in the publication of the National Academy Press book, *Measuring the Science and Engineering Enterprise: Priorities for the Division of Science Resources Studies*. I also served on the National Academy of Sciences Oversight Committee for the Career Planning Center for Beginning Scientists and Engineers and was appointed by the National Academies in 2011 to their Panel on Measuring and Collecting Pay Information from U.S. Employers by Gender, Race and Origin. In addition, I have also taught federal judges about the use of

statistical and economic information in discrimination litigation at the invitation of the Federal Judicial Center (US Supreme Court managed judges training) and the Federal Reserve Bank.

6. My analyses used to support my opinions as an expert labor economist have been used in scores of cases, most of which resolved after the exchange of expert reports. I have submitted testimony in over 60 matters involving claims of discrimination against a class over the last forty years. More than a dozen of these cases have involved companies engaged in engineering, scientific research, or computer programming or universities or national laboratories also involved in scientific research.

7. Many of my expert opinions have primarily been used in the context of class certification. For example, three cases that Oracle cites to, *Cooper v. S. Co.*, *Puffer v. Allstate Ins. Co.*, and *Gosho v. U.S. Bancorp Piper Jaffray, Inc.*, all were decided in the context of Rule 23 class certification litigation.

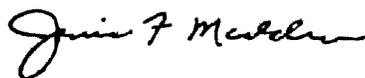
8. In 2000 through 2002, I was one of 16 faculty members appointed to the University of Pennsylvania's Gender Equity Committee. The Penn administration shared analyses that they designed and prepared with the Committee. The Committee submitted a summary of these data and analyses to the University employee newsletter. This newsletter report was not a peer-reviewed publication as Oracle attempts to suggest. The University provided no data to the Committee. Since the Committee had no data, it could not, and did not, design any statistical models for the study. We only reported what the University shared with us. My involvement in this study was limited. I did not direct the study, nor did I write the report. As a Penn Vice Provost (and prior to serving on this Committee), however, I conducted compensation analyses for Penn that resulted in compensation adjustments.

9. Oracle claims the factors it considered in setting compensation for employees included, for example, employees' skill and the product or products they worked on. However, Oracle did not record these data for most employees. There were data for a small minority of employees idiosyncratically in reports on their hiring or promotion. If Oracle were to compensate employees based on these factors, I would have expected Oracle to record these data as companies have done in other cases I've worked on. If Oracle had recorded and provided these data, I could have considered them. As Oracle did not record or provide these data, I could not use specific variables for skill (other than degrees earned and their fields) or product assignment.

10. Oracle only maintained electronic data regarding education (highest degree secured) for approximately 40% of employees studied. My office manually reviewed hard copy resumes and coded such data for approximately an additional 10% of the employees studied.

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

Executed on October 31, 2019 in Philadelphia, Pennsylvania.



JANICE F. MADDEN