



**Issue Date: 30 April 2019**

CASE NO.: 2017-OFC-00006

*In the Matter of*

OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS,  
U.S. DEPARTMENT OF LABOR,  
Plaintiff,

v.

ORACLE AMERICA, INC.,  
Defendant.

**ORDER ADOPTING CONSENT FINDINGS  
REGARDING COLLEGE RECRUITING PROGRAM ALLEGATIONS**

This matter arises under Executive Order 11246 (30 Fed. Reg. 12319), as amended, (“EO 11246”) and associated regulations at 41 C.F.R. Chapter 60. The operative Second Amended Complaint was filed on March 13, 2019, and answered on April 2, 2019. On April 25, 2019, the parties submitted a Consent Findings and Order that would “resolve hiring and related recordkeeping allegations in connection with Oracle’s College Recruiting (CR) program.”<sup>1</sup> The Consent Findings do not resolve the other allegations in the Second Amended Complaint—the compensation-related claims and the recordkeeping/compliance claims related to the compensation claims.

The regulations provide that parties in administrative litigation under EO 11246 may negotiate and submit consent findings prior to the close of evidence that “dispos[e] of the whole or any part of the proceeding.” 41 C.F.R. § 60-30.13(a). Any consent findings and order based on those findings must provide:

- (1) That the order shall have the same force and effect as an order made after full hearing;
- (2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;
- (3) That any further procedural steps are waived; and

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<sup>1</sup> The parties link these allegations to ¶¶33-40, 44(b), 44(e), 46, and 48 of the Second Amended Complaint. In the March 6, 2019, Order Granting Conditional Leave to File Second Amended Complaint they were summarized as claim II.B, with related recordkeeping claims.

(4) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

41 C.F.R. § 60-30.13(b). Consent findings are submitted to “the Administrative Law Judge for his consideration” and if the consent findings and order are timely and compliant with the regulations, “the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings, and his decision shall constitute the final Administrative Order.” 41 C.F.R. § 60-30.13(c)-(d).

The consent findings are timely<sup>2</sup> and comply with the regulations. They resolve the hiring allegations concerning Oracle’s college recruitment program and the related compliance/record-keeping allegations. I accept and approve the Consent Findings and adopt the terms and conditions as findings by this Office and incorporate them by reference into this Order. The parties are ordered to carry out the provisions of the Consent Findings.

This order constitutes the final administrative order in this case for the hiring and related record keeping allegations in connection with Oracle’s college recruiting program. *See* 41 C.F.R. §§ 60-30.13(d), 60-30.30. The case remains open as to the other allegations made in the Second Amended Complaint.

SO ORDERED.

RICHARD M. CLARK  
Administrative Law Judge

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<sup>2</sup> The regulations contemplate that the parties will jointly request that the receipt of evidence be deferred while they negotiate and that the judge will provide a deadline for submission of an agreement. *See* 41 C.F.R. § 60-30.13(a). That did not happen here—the case remains in discovery and the parties negotiated the Consent Findings independent of any imposed deadline.