

Witness Statement

I, Eric Clark make the following voluntary statement to Mr. Areon Kelvington and Mr. John Muckelbauer who have identified themselves as Investigator(s) with U.S. DOL - VETS and that they are conducting an investigation pursuant to 38 U.S.C. Section 4301et. seq., and/or predecessor Federal veterans' reemployment rights statute(s) and explained that my statement and identity would be kept confidential to the maximum extent possible under existing law.

- 1. Please tell us what your position is and length of employment with the Kansas City Board of Public Utilities.**

My current position is Superintendent of Distribution, over Traffic Signal, Claims, Trouble Department and Vegetation Management since 2003.

- 2. Do you know who Kenneth Snyder is?**

Yes

- 3. What was his job?**

He was a traffic signal tech

- 4. What was your relationship to Mr. Snyder?**

I was his direct supervisor

- 5. In the course of doing your job, how much time/interaction did you have with Mr. Snyder?**

I would say max 2-3 x a week speaking with him in the morning. More of my interactions were with Greg DeGrave.

- 6. Were you in any way involved with his training?**

Not directly

- 7. What are the hours he worked?**

8-4p

8. How often?

Monday - Friday

9. For someone in a position like that held by Mr. Snyder, what happens if they are unable to work on a day in which they are scheduled?

You call in trouble board and talk to one of the clerks and let them know you're going to be off sick and then they get that info out through the supervisors to make the rosters.

It depends on the superintendent, but basically we have a board that shows who's working and who's ~~sick~~ off work and why ^{to EC} A. EC

10. Are there additional costs incurred when a position has to be covered?

That position just won't be filled that day.

11. Are probationary employee's allowed to miss work?

In your probationary period you don't have any time to take off (accrued).

12. How is it viewed if a probationary employee is unable to work on a given day?

I think it depends on the reason.

13. Are you aware of any time that Mr. Snyder was unable to work?

I'm not aware of any time.

I don't track each one of my employees on who is here and not here.

Who does? Office payroll

So you wouldn't know?

I wouldn't unless it was on the roster. Greg would know.

14. What is BPU's policy for employees who miss work because of military service?

I believe there is some paperwork that needs to be turned in downtown and it is just a notification of where he is and why he is not at work.

15. Is it your understanding that paperwork has to be filed downtown in order to be off for military?

This was the first time and I just told Greg that we need to get some paperwork submitted. *to office records and they will notify the proper personnel. EC* ~~the~~

16. Do you know if BPU pays employees for military service?

No I don't

17. What was your opinion of Mr. Snyder's quality of work?

My opinion was based on the paperwork that came back on his performance. I never directly observed him working.

18. Who gave you the paperwork?

Greg would give those to me.

19. Did you talk with Greg about Ken Snyder's performance?

Yes, basically whether or not Greg was satisfied with his performance. He talked to me a couple of times about Ken's performance. Basically Greg didn't think that he was putting in to his performance what he should be, e.g., paying attention.

20. Did you make any record of these meetings with Greg DeGrave?

Just made mental notes.

21. What did you tell Greg?

I just told Greg that you need to talk to him about what you *expect* ~~want~~ out of his work. *EC*

22. Did you discuss other employee's performance?

Only if there was a problem. And Nick Dunn as his performance evaluations.

23. Did you ever discuss Nick Dunn's performance?

Yes. That Nick did put the effort into the job and that if Ken would put in the same effort that Nick did, we'd have two good employees.

24. Do you require Greg to keep notes on these meetings?

I don't require it but I know he keeps pretty good notes.

25. Did you see any notes?

No

26. What lead you to believe Greg keeps notes?

Just how he treats his work in other areas.

27. What impact did his absence/time off have on the Traffic Signal Department?

As far as I know the work would just go to some one else that day.

28. Would his absence create a burden on someone else?

I don't know if it would put a burden on someone else, you'd just have to prioritize (the work load).

29. My understanding is that probationary employees are to receive a performance evaluation every 30 days. However, it appears that that isn't the case. Can you explain why that may not actually occur?

I actually took over the position on April 1, 2010 as being the direct supervisor.

Prior to that?

I worked in the Trouble department.

Once I found that out, I talked to Greg about doing this.
After that they were done.

30. Would you be aware of when these were done?

Yes, me and Greg would go over them together.

31. With regard to Mr. Snyder's performance evaluation dated June 21, 2010, I noticed that it is not signed by Mr. DeGrave or Mr. Snyder, yet it appears that the attachment was written by Mr. Degrave. Can you explain why that is?

No. Someone should sign them.

Who? The supervisor and the reviewing supervisor
Does the employee always sign them? No
Why? They can choose not too.

Are you familiar with the June 21 PE? That sounds familiar

Those were not signed, do you know why? No, we normally sign them at the same time.

32. It appears that this final evaluation, dated June 21, 2010 is what led to Mr. Snyder's termination on July 8, 2010. The ratings appear to be based on an incident that occurred on May 28, 2010, almost a month prior. Can you explain why you waited until July 8, 2010 to terminate?

Can't really answer that.

I don't know anything specific. The thing that sticks out in my mind is that Greg didn't think that Ken was progressing like he should. Greg had mentioned that he would improve and then slide back. *towards not learning the position.*

33. I'm going to show you the Performance Evaluation. Do you recognize it?

Yes

Did you sign it?

Yes, that's my signature

Did you fill it out?

No, I'm pretty sure Greg did.

Do you fill these out?

No, it's usually Greg.

34. So the process is that Greg fills it out, hands it to you and you review it and sign it?
Yes. *we review it with the employee also. cc.*

35. With this June 21, 2010 evaluation, there is a statement regarding Mr. Snyder. Have you ever seen this?

Yes

Who wrote it?

Greg

And it was prepared on that date?

Yes

36. What factors went into the decision to terminate?

I think that it was about the quality of the work.

37. In the times Greg discussed Ken's performance was it all about the quality?

No I believe there was an incident where Ken and Greg worked on a traffic system and he was distracted by talking on the phone.

38. What are the steps involved with terminating a probationary employee?

I don't have the authority to terminate, I only recommend to my boss on what's going on and asked for his opinion on what to do. Since I was new to the job

Who's your boss?

Mike Kline -- Director of Electric Distribution

And does Mike Kline make the determination?
No. He makes the recommendation to his boss.

Who is his boss?
Bill Johnson -- manager of electric operations.

So you go to Mike Kline and he goes to Bill Johnson?

Yes

Who has the final say on terminating?

I believe HR does

Who in HR?

Sam Deleon

And how did you find out about the decision?

Through HR

And what was the decision?

That we'd terminate

39. Any information to believe that either Mr. Kline or Mr. Johnson observed Ken's work performance?

No

40. Are you aware of any investigation – whether Mr. Kline, Mr. Johnson, or Sam DeLeon looked into the performance of Ken Snyder?

No

41. Are you aware of any discussion that Mr. Kline, Mr. Johnson, or Sam DeLeon had with Greg that involved Ken Snyder?

No,

42. Was any consideration given Mr. Snyder's veteran status in the determination to terminate his employment?

No Mr. Snyder's veteran status never was discussed in any manner whether to terminate his employment ^{EC}

43. Is there anything else you would like to add?

^{the traffic signal while} ^{EC}
I believe Ken's job was held for him ~~because~~ he was away for military duty. That's the one thing that stands out having to do with military. I think he started at a later time with that.

K

I have read (or have had read to me) the foregoing statement of ___ page(s). Each page has been numbered and I have initialed each correction. I declare (or certify, verify or state) under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge.

/s/ Eric Clark Date: 1/26/2011
Witnessed: Slw. 12 Date: 1.26-2011