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DECLARATION OF TYLER J. SANDERS

1. My name is Tyler Justin Sanders, and I am a former employee of VRHABILIS, LLC ("VRHabilis"). I worked for VRHabilis from May 21 to November 7, 2016, and I worked as a Dive Supervisor during the time that Ariel I. Schlosser worked for VRHabilis. This statement is made voluntarily by me, and I am competent to testify about the matters set forth in this declaration.
2. I have been diving since 2004, when I dove for the U.S. military, and I have been diving commercially since 2008. As a commercial diver, I have worked for at least 10 different diving contractors, including VRHabilis. During my time with VRHabilis, I saw its upper management deviate from commercial diving industry standards in several ways, and I believe this deviation had an adverse effect on Ms. Schlosser during her brief tenure with the Company.
3. During her first week on the job, Ms. Schlosser was permitted to dive, just like everyone else. It was clear that she was not as proficient as some of the other divers, but there were also other male divers on the job who were equal to her in skill level.
4. Ms. Schlosser was quickly singled out by upper management to be prevented from diving. She was the only employee who was not permitted to dive. As a Dive Supervisor, I received direction from Chief Operations Officer Elliott Adler and Project Manager Ron Madden to keep Ms. Schlosser out of the diving rotation (*see attached email*). This meant she would not dive standby either, but worked solely as tender for the majority of her time with VRHabilis. As a new employee to the Company myself, I followed these orders from Mr. Adler and Mr. Madden, but I saw that this treatment of Ms. Schlosser had a detrimental effect on her, as she was not given opportunities to show her skills or improve upon them.
5. **VRHabilis should have given Ms. Schlosser objective performance evaluations and the opportunity to improve.** All of the companies I have worked for, other than VRHabilis, have had some sort of mechanism in place for evaluating its employees and helping them improve where they need to. VRHabilis prevented Ms. Schlosser from diving based on her performance but failed to give her objective goals for improvement or opportunities to improve her skills. As her former supervisor, I believe she was absolutely capable of diving, but after she showed some initial weakness, she was denied opportunities to get in the water. Her male team members who showed similar weaknesses were not prevented from diving the way Ms. Schlosser was.
6. **VRHabilis failed to communicate with Ms. Schlosser about her position with the Company.** Ms. Schlosser's offer letter specifically stated that she would be working for VRHabilis as a UXO Technician I, Diver, Standby Diver, and Tender. However, when

VRHabilis's upper management decided to prevent her from diving (which included standby diving), it failed to communicate that to her. It should have given her written evaluations to explain why her position was being changed and changed her offer letter to reflect her actual position with the Company, as is the industry standard. During her time with the Company, Ms. Schlosser continually expected to dive and was informed by her Dive Supervisors (including me) that she was not permitted to do so; however, she was never told this by upper management. The Company's lack of communication with Ms. Schlosser seemed to contribute greatly to her frustration.

7. **VRHabilis refused to utilize a fair rotation between divers, standby divers, and tenders.** The industry standard in commercial diving is for employees to rotate between these three positions. This policy ensures adequate rest time, opportunities to develop diving skills, and equal pay for all employees. In the attached email, Mr. Madden specifically stated, "No fair rotation system should be in play; the highest performers will be the divers." Mr. Madden and Mr. Adler explained their reasoning for deviating from the industry standard was because this was a "production based contract," but in reality, I believe it was due to their poor planning and management skills.
8. **VRHabilis ignored commercial licensure requirements for employees who had served in the military.** While Ms. Schlosser was employed with VRHabilis, the Company chose to deviate from the industry standard by permitting at least two employees to dive despite their lack of commercial licensure. These two men were Ben Wiggins and Anthony Terrell. Both Mr. Wiggins and Mr. Terrell dove with the U.S. Navy as EOD Divers, but neither of them had the commercial licensure required to work for VRHabilis. Nevertheless, the Company permitted these men to dive *while it was preventing Ms. Schlosser from doing so*, despite the fact that Ms. Schlosser has the required commercial diving certification.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

01/03/2017

Date



Tyler J. Sanders