

November 13, 2023

SUBJECT: C&P 3268-1
CITY OF CONRAD – GRIEVANCE INVESTIGATION

Nathan Hunsucker
City of Conrad
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By Email: nathan@cityofconrad.com

Dear Nathan:

Pursuant to the City of Conrad's request, I have completed an investigation into the grievance filed by Chief of Police Ernest Padilla. The information reviewed and considered during the investigation included interviews with ten witnesses, a list of which is attached as Exhibit A; and the documents described in Exhibit B.

My findings and analysis based on the information gathered are set forth below.

SCOPE OF INVESTIGATION

This investigation evaluated Chief Padilla's grievance alleging that Conrad Mayor Jamie Miller retaliated against him in various ways after he requested compensation for a medical leave of absence and she learned that he was entitled to overtime.

STANDARD OF PROOF

The standard of proof applied to the allegations addressed in this report is the preponderance of evidence standard applicable to most civil court cases involving employment matters. A preponderance of evidence means that one version of events is more likely than not the correct version. The allegations below were considered substantiated if they met this standard.



FACTUAL BACKGROUND

Chief Padilla joined the City of Conrad Police Department after retiring from a career with the U.S. Border Patrol. He was initially hired as a police officer in March 2020, but was promoted to sergeant within a few weeks. In June 2021, then-Mayor Wendy Judisch promoted him to be interim Chief of Police. He requested the City open the position for a competitive hiring process, and he applied. When current Mayor Jamie Miller was elected in January 2022, she appointed him to the position of Chief of Police. Both Mayor Miller and Chief Padilla felt that they had a good relationship for about the first eighteen months they worked together. Mayor Miller described Chief Padilla as a “confidant” and a “very very close friend.” Chief Padilla acknowledged that Mayor Miller frequently asked for his advice and confided in him until more recently.

The City paid Chief Padilla overtime and on-call time as Police Chief from June 2021, until February 2022, when Mayor Miller put him on salary. He recalled that he questioned Mayor Miller about how he would be compensated for the extra hours he worked after he was put on salary. Chief Padilla said that Mayor Miller told him and Hillary Ritter, the City’s Finance Officer, to keep track of their time and then when they needed to be gone for a doctor’s appointment, they could use the “comp time” to cover it.¹ Chief Padilla was unsure of this approach. He told Ritter that he was not someone who had received “comp time” before and that he should be getting overtime. He and Ritter called the Montana Department of Labor and Industry (“DLI”) to ask about it. Chief Padilla remembered that DLI talked to them about the eligibility for overtime when engaging in both law enforcement and administrative duties. Ritter received written information from DLI that she printed and placed in Mayor Miller’s in-box. Chief Padilla decided he would accept the “comp time” in order to save the City some money.

Mayor Miller recalls the conversation slightly differently. She remembers Chief Padilla asking about the hours he was working, and she said she told him and Ritter to look at it and decide what they wanted to do. Mayor Miller also said she tasked Ritter with trying to figure it out. Ritter got back to her and told her there was no comp time in City policy. Mayor Miller told them they were both salaried and if they worked more hours and needed to go to the doctor or dentist, they could just take the time they needed. She did not expect any issues with compensating them that way, which is how she handled “comp time” in her other employment.²

¹ This report does not analyze whether “comp time,” in lieu of cash compensation for overtime, would be an appropriate means of compensating Chief Padilla for hours worked in excess of forty in a week. See 29 U.S.C. § 207(o).

² It appears that Mayor Miller contemplated that Chief Padilla would “flex” his time when he needed to be out of the office for appointments, rather than accumulate any “comp time” that would provide another form of paid leave that could be used for an extended absence.

Chief Padilla experienced a work-related injury in March 2023, and was scheduled for surgery in July 2023. He was aware that workers' compensation would require him to have a period of unpaid leave before his workers' compensation benefits would be applied. He recalled talking to City employee Patti Hutton on **May 24, 2023**, to let her know that he wanted to use "comp time" to receive paid leave during the week before his workers' compensation benefits became available. As they were talking, Mayor Miller was in the area and asked what they were discussing. Chief Padilla reminded her that they had previously discussed tracking hours for purposes of comp time and that he wanted to use it at the beginning of his medical leave. Mayor Miller said she did not remember that and would not be doing that going forward. Chief Padilla responded that that did not seem right, and he reminded her of what she had said to him and Ritter. He also said he would call Ritter to see where she had put the documentation of this issue. Chief Padilla said Mayor Miller then told him she did not care what Ritter said because Ritter did not work there anymore. She also said she would look into the compensation issue.

Mayor Miller again recalled the conversation differently. She described the conversation in May 2023, as the "pivotal moment" when their relationship "soured." On that day, she was working from the office she rents in City Hall for her private consulting work. She was working on an audit, and when she came out of her office for a brief break, Chief Padilla was nearby. He began talking to her about needing to use comp time, which he said she was going to allow, pursuant to their prior conversation. Mayor Miller responded that the City does not have comp time, and she did not remember telling him otherwise. She said Chief Padilla argued with her and told her that Ritter recalled the prior comp time conversation the same way he did. Mayor Miller told him it did not matter what Ritter recalled and that she would get him an answer. During this investigation, Mayor Miller remembered being frustrated that Chief Padilla had "dropped this bomb" on her while she was in the middle of the audit and that he had called Ritter, who Mayor Miller described as a "pretty toxic" former employee. She said it was "shocking" to her that Chief Padilla thought he had such a relationship with Ritter that he could call her about this issue.

Mayor Miller asked City Attorney Daniel Jones to look into the issue regarding Chief Padilla's compensation. She described the relationship between Jones and Chief Padilla as "very close" and said she had an idea of what the conclusion of his review would be. She said that as the overtime issue was reviewed, her relationship with Chief Padilla was "cold."

On **June 6, 2023**, Jones emailed Mayor Miller a preliminary opinion on the compensation issue. He let her know that if the City employs five or more law enforcement officers during a workweek in which Chief Padilla works more than forty hours, he would be entitled to overtime pay. He also let her know he was working on a more detailed analysis and would provide it to her once it was completed.

On **June 29, 2023**, Jones emailed the completed analysis to Mayor Miller. It concluded that during times when the City employed fewer than five police officers, the officers engaged in law enforcement activities were entitled to the exemption provided in the Fair Labor Standards Act (FLSA) under 29 U.S.C. 13(b)(2), and would therefore not be eligible for overtime. Outside of those time periods, Chief Padilla would be entitled to overtime unless another exemption applied. Jones also concluded that no other exemptions, including the executive exemption, applied because the principal benefit conferred to the City by Chief Padilla's employment is the performance of field law enforcement duties and supervision of lower-ranking officers while performing those duties. Jones concluded that Chief Padilla's managerial duties occupied less than twenty percent of his time.

Mayor Miller said that she was "shocked" and "flabbergasted" by the opinion because her observations were different from Jones' conclusions. In particular, she disagreed that Chief Padilla was performing law enforcement duties, as distinguished from managerial duties, over 80% of his time in order to ensure that the City has 24/7 law enforcement coverage. She said that she saw him in his office at his desk ninety percent of the time and that he was "always" gone from Friday through Sunday. She also said that he was doing at least fifty percent administrative work. She feels that she hired him to be the chief, not a patrol officer. She also acknowledged that she did not really know what he was doing at his desk or what his schedule was because she "did not follow him all day or sit with him to question that." Overall, the legal opinion was contrary to her understanding at the time she appointed Chief Padilla that he would not be entitled to comp time or overtime.

On **July 5, 2023**, Mayor Miller, Chief Padilla, and Jones met to discuss Jones' legal opinion. Chief Padilla recalls that Mayor Miller was upset about the opinion and said she had not anticipated she would have to pay him overtime. She wanted to talk through how they would manage it since City employees have to have approval before working overtime. Jones and Chief Padilla explained that it would not be possible to seek approval in many cases because the overtime might be necessitated by an emergency or unexpected need for assistance. Chief Padilla recalled that they agreed he would let her know when he needed to schedule himself to cover a shift that would lead to overtime. This meeting was recorded by the City's surveillance system and confirms Chief Padilla's recollection.

Mayor Miller recalls feeling that looking at the schedule each month would be insufficient in terms of approving overtime, and she remembers Jones agreeing that they would need to revisit this with Chief Padilla. She did not feel like the issue was resolved.

Chief Padilla left for medical leave on **July 24, 2023**. On **July 27**, Mayor Miller and others in the community received an email from the Conrad Chamber of Commerce promoting National Night Out, a local community event. Chief Padilla said that he, Mayor Miller, and the Public Works Director had previously discussed the event during the department head meeting before he left on medical leave. Mayor Miller could not recall the discussion.

Mayor Miller said that at the time she received the Chamber email, she was unsure of what was happening with National Night Out, and the Conrad Chamber of Commerce usually sends a request related to the event to the City Council for approval. She thought she might have reached out to the Chamber to ask about the status. Her email sent to the Chamber on July 27 stated, "if there is anything that is sent to Chief Padilla typically for National Night Out, please forward to me." Chamber contact Barbie Killion responded that they would need to make sure the park was reserved, the road was closed, and dumpsters were requested, but she was not sure what the City handled because everyone just usually does their part. Mayor Miller responded, "Do let me know if you think of anything else; I will check on these items in the meantime." She also said she would forward the information to Public Works.

Mayor Miller also recalled emailing Sgt. Corey Smith about the event because she would generally want to know if there was a need for coordination with Public Works. She did not think that Public Works would figure out what to do without her involvement. She said she did not ask Chief Padilla about the event because he was on leave, and she did not know if she could talk to him. When it was pointed out that she emailed him about a week later to discuss the budget, she said she thought she had only copied him on messages. Her email to Sgt. Smith stated, "Not sure if the chief filled you in or not on the planning needs for National Night Out? Please let me know if you have any questions." A minute later, she sent the email described above in which she asked the Chamber to forward all correspondence on the event to her.

On or around **August 3, 2023**, Mayor Miller contacted Sgt. Smith to ask for access to the City's camera system that observed City Hall property. Sgt. Smith recalls that Mayor Miller wanted to be able to see the footage from her office. She did not say why she wanted to do so. Sgt. Smith told her he did not have the ability to grant that type of access. Some of the cameras record the DUI room so those recordings would contain confidential criminal justice information that would not be accessible to individuals outside of law enforcement, absent a statutory exception.

Mayor Miller recalled that she had requested access because the City needed to upload recordings to its website.³ She then said that the other reason she requested access is because the whole system is located in Chief Padilla's office, and she felt that was a lot of power in

³ This appears to be a reference to HB 890, which requires certain cities to record and post links to city council meetings on their website within a business day of the meeting. When asked about the timing of the request to Sgt. Smith, Mayor Miller said that she was having conversations with IT companies over the summer to discuss ways to upload recordings. After her interview she forwarded three emails with IT companies - two from September and one dated August 9, 2023, which referenced a conversation with an IT company on August 8. All of these conversations occurred after Mayor Miller asked Sgt. Smith to provide her with access to the surveillance system.

one person's hands. She said that some employees told her they felt Chief Padilla was "spying" on them and "watching them constantly," and she could not allow the system to be abused by one employee. Mayor Miller acknowledged she never spoke with Chief Padilla about whether he was using the system to "spy" on employees, either before or after he returned from medical leave.

Mayor Miller further explained that during this time, she was recognizing that when Chief Padilla is out of the office, there is no way for anyone else to have access to the system.⁴ When asked why she was requesting Sgt. Smith provide her access when she thought only Chief Padilla controlled access to the surveillance system, she adjusted her response and said she had been asking Sgt. Smith to "flag" a Council meeting in the system.

On or around **August 5 or 6, 2023**, Officer Jacob Konen and Mayor Miller's husband, Montana Highway Patrolman Kurt Miller, were "doored up" while they were both working the night shift. It was not uncommon for them to visit when they were both on shift and things were slow. Sgt. Smith recalls that Miller asked him how often they qualified with their weapons, and Konen explained that they qualify once per year pursuant to POST standards but also qualify as a Department quarterly. Konen then explained the quarterly qualifications and how it helped with team-building. Miller asked how much ammunition they used. While Konen felt that the conversation began innocently enough, when Miller questioned him about ammunition, Konen began to feel that Miller was fishing for information. Miller also raised the issue of Chief Padilla's overtime and asked what Konen thought about it. Miller commented that if the Chief wants to claim overtime, he needs to submit his hours to Mayor Miller for approval. Konen found it odd that the Mayor's husband was asking him these questions.

On **August 7, 2023**, at 7:46 p.m., Mayor Miller emailed Chief Padilla to request additional budget information related to the Conrad Police Department. She sent him a budget spreadsheet and asked him to provide more detail for the Purchased Services, Capital Outlay, and Supplies categories. She recalled that she had asked him for the information before he went on leave but did not receive it. Chief Padilla explained that his computer was not functioning correctly shortly before he went on leave, which prevented him from providing the additional budget information at that time.

The following day, **August 8**, Mayor Miller approached Sgt. Smith with some questions about budget items. Sgt. Smith recalled that Mayor Miller asked him how many times they qualified with their firearms and the amount of ammunition they used. She mentioned the budget and that she was looking for a breakdown of how the Police Department spent its

⁴ Chief Padilla stated that Mayor Miller had previously asked for access to the system, and Chief Padilla denied it because it recorded some confidential criminal justice information. Mayor Miller denied making such a request.

money. Mayor Miller recalls asking Sgt. Smith about the amount of ammunition they used because she did not want to undercut the department by guessing too low. The items Sgt. Smith remembered Mayor Miller asking him about correspond to some of the items on the budget spreadsheet she had sent to Chief Padilla the previous day. Sgt. Smith referred her to Chief Padilla.⁵

Chief Padilla responded to Mayor Miller's email on **August 9**, and they corresponded further about the budget by email on **August 10, 11, and 14, 2023**.

Also in August 2023, Jones and his staff set to work calculating the amount of overtime Chief Padilla had earned but not been paid. He emailed a spreadsheet of the hours to Mayor Miller on **August 9, 2023**. On or about **August 10, 2023**, Mayor Miller questioned Sgt. Smith regarding his duties, including what he did on patrol and how much time he was on patrol versus performing administrative functions. She did not tell him why she was seeking the information. Mayor Miller acknowledged the conversation with Sgt. Smith and said that she was just trying to understand his perspective of these functions. She did not have any plan to use the information and was asking because she was "curious."

Chief Padilla included in his Police Department budget the cost related to hiring a sixth police officer. This hiring would help provide additional law enforcement coverage and reduce the need for him to cover shifts, which would presumably reduce his overtime. On **August 15, 2023**, the City Council discussed the preliminary budget, and one Council member asked whether approval of the budget meant they were approving the items noted, including the sixth police officer. Mayor Miller said she would inquire to verify this but that the items would likely require Council approval later. According to Jones, Mayor Miller did not later follow up with him to ask if the Council needed to revisit the hiring issue. Instead, she asked a clerk in a neighboring county.

On **September 5, 2023**, the City Council approved the budget with a notation that it included the additional officer. Since the passage of the budget, Mayor Miller has not given Chief Padilla approval to begin the hiring process but has asked him to prepare something in writing substantiating the need for the additional position.

On **August 21, 2023**, Mayor Miller emailed Jones to ask, "As discussed, since the overtime provided, with the large amount of leg work required to determine the past overtime not previously reported or approved, has any further direction been determined?" Jones

⁵ The items also correspond to the questions Mayor Miller's husband asked Officer Konen a few days earlier. Mayor Miller said that she had talked to her husband about the issue before she heard back from Chief Padilla, and she was not aware he had talked to Konen until Chief Padilla told her after he returned from leave.

responded that he did not understand the question. Mayor Miller then emailed, "I will look at my notes tomorrow, but I think the last time we spoke we were pending processing the hours based on the fact the timecards last year all have no overtime reported. Is that considered falsifying time cards and thus a reportable offense to POST?"

On **August 23, 2023**, Chief Padilla returned to light duty work following his surgery.

On **August 30, 2023**, Mayor Miller emailed the City's IT provider, DIS Technologies, to request global administrative access to the City's Microsoft Office 365, which includes Outlook and other Microsoft products. The request followed a conversation between Mayor Miller and Josh Drinville, DIS's account manager for the City of Conrad. According to Drinville's service ticket, Mayor Miller contacted him with concerns that someone had been viewing her email. They discussed the different levels of access and that only Chief Padilla had global admin access. Mayor Miller then expressed an interest in increasing her access.⁶ Drinville let her know that there were other kinds of admin access, short of global access, that might meet her needs. He then emailed her a link with the various types of admin access available. Drinville recalled that at the time, Mayor Miller was also interested in restricting Chief Padilla's access, but she was not sure to what level. Drinville thought that the website link might also help her make an informed decision regarding Chief Padilla's access.⁷

The website to which Drinville referred Mayor Miller explained that global admin access permits access to "data across Microsoft online services." Drinville recalls recommending against obtaining global access because if her account were to be compromised, it would compromise the City's email system and other files. He feels he made it clear to Mayor Miller that there were potentially catastrophic consequences if her account were compromised, including destruction of the City's email system. Mayor Miller proceeded to request global admin access.

On **September 25, 2023**, Mayor Miller asked to meet with Chief Padilla regarding his September timesheet, which included overtime hours.⁸ Mayor Miller requested the meeting because she wanted to clarify how they were going to handle approval of overtime hours going forward. Chief Padilla recalled that during the meeting, Mayor Miller told him she disagreed with Jones' legal opinion, that it was wrong, that Jones was using him, and that he should not trust Jones. Mayor Miller acknowledged that she probably did tell Chief Padilla that she disagreed with the legal opinion. She said she could not remember saying Jones was "using" Chief Padilla, but if she did, she must have meant that Jones needs Chief Padilla

⁶ Mayor Miller stated that she was aware before her conversation with Drinville that Chief Padilla had global access privileges.

⁷ Mayor Miller denied contemplating any changes to Chief Padilla's access during this time.

⁸ The audio of this meeting was recorded, but because the conversation was held in a room adjacent to the recording equipment, the sound was insufficiently clear to decipher the exchange.

more than he needs Mayor Miller. She could not remember telling Chief Padilla not to trust Jones, but she "potentially" or "maybe" did.⁹

Mayor Miller said she also requested the September 25 meeting to talk to Chief Padilla about the legal opinion's conclusion that only ten percent of his time is managerial. Chief Padilla recalled that during this conversation, Mayor Miller asked him to help her rewrite his job description, which he interpreted as threatening him with being replaced. He stated that Mayor Miller told him she wanted the job description changed for the "next person" to be hired. She acknowledged she probably told him it was for his replacement but "in the context of the future, down the road," if Chief Padilla was no longer with the City. She denied that it was in the context of replacing him.¹⁰

Mayor Miller also said that Jones "loved" the idea of tasking Chief Padilla with changing the job description. Jones could not remember that specific conversation, although generally, he would encourage having an employee involved in changing a job description so that it reflects what they actually do. He recalls responding to Mayor Miller's questions about the possibility of changing the job description to make it more administrative and not eligible for overtime. Jones told her that she could make those changes, but it would not affect Chief Padilla's entitlement to overtime so long as the primary job duty he was actually performing continued to be law enforcement. Mayor Miller does not feel that there are specific administrative functions that Chief Padilla should be doing but is not. She has considered adding some public relations functions to his duties, but has not discussed this issue with him other than saying more generally that she wants to revise the job description.

On **October 3, 2023**, Mayor Miller clicked on a phishing email that requested her to change her password. She quickly realized her mistake and contacted Drinville, who reset her password and forced a signout of all her devices. He created a separate admin account for her and removed her email and Chief Padilla's email from the global admin list. The DIS service ticket indicates that he called Mayor Miller and left her a message about these changes.

On **October 10, 2023**, Mayor Miller called Drinville back, and they discussed the email security issues. The DIS service ticket notes that at her request, Drinville emailed her and Chief Padilla regarding the changes to their security settings. His email confirmed that he had removed her global admin privileges and created a new account for her with the same

⁹ Chief Padilla also reported that Mayor Miller told him she could take action against Jones as a result of his opinion. Mayor Miller denied making this statement.

¹⁰ Chief Padilla was especially concerned about this request because he viewed it in the context of Mayor Miller's request to the City Council to change an ordinance to give the mayor authority to terminate employees without Council approval. According to Jones, this request was necessitated by a voter-approved change to the City's bylaws. The change to the ordinance was required so that it was consistent with the change to the bylaws.

privileges. He also noted that he had removed Chief Padilla's email account from the list of global admins and stated, "Once we have determined the level of permissions that are needed, we can create a secondary admin-only account for him."

The email from Drinville was the first Chief Padilla learned of the phishing incident. Mayor Miller had not informed him that she had obtained global admin privileges through DIS, even though Chief Padilla had been the Microsoft Email Security Officer since 2022, and he had returned from medical leave by the time she had requested the privileges. The access Mayor Miller obtained created opportunities for her to view email traffic to and from the Conrad Police Department which could contain confidential criminal justice information.

On **October 18, 2023**, Chief Padilla met with DIS IT Director Garrett Johnson, Council President Nathan Hunsucker, and Jones. Johnson's background is in law enforcement technology, and he frequently helps cities and counties across Montana with electronic security for criminal justice information. He told the others in the meeting that the access issued to Mayor Miller would not be consistent with Department of Justice confidential justice information protocols due to the access she would have to confidential criminal justice information. Later that afternoon, Chief Padilla emailed Johnson and requested he immediately disable all administrative access for City of Conrad employees, which, at that point, was only Mayor Miller because Chief Padilla's global admin access privileges had not been restored after the phishing attempt.

On the same day, Jones forwarded Chief Padilla's email to Mayor Miller, with a copy to all Council members. The email indicates that as of that day, Mayor Miller was the only City employee with global admin access and that Johnson believed the access was inconsistent with Department of Justice protocols for access to the State's criminal justice information network. The email also explained that Jones and Hunsucker had directed Chief Padilla to request the removal of global admin access for all City employees.

On **October 24, 2023**, Mayor Miller emailed Jones and expressed her frustration that neither he, Hunsucker, nor Chief Padilla had asked her about what had happened regarding the access issue before "leaping to conclusions and directing accusations towards [her]." She explained that she felt her integrity had been called into question and asked whether he, Hunsucker, or Chief Padilla were accusing her of requesting admin access for impermissible purposes or using the privileges for an impermissible purpose. She also offered to have her computer forensically examined.

Mayor Miller explained in her email that she had requested the access for purposes of developing "a capability in our Microsoft environment to utilize team sharing functionalities with individuals outside of our organization for such things as storing and sharing out public

meeting recordings." She stated that DIS "knew full well" why she was requesting access,¹¹ that they did not raise any concerns about confidential justice information,¹² and that if they had, she would not have proceeded with the access and "would have explored other options for accomplishing the public record sharing objectives I was attempting to secure."

ANALYSIS AND CONCLUSIONS

Chief Padilla's grievance contends that Mayor Miller retaliated against him as a result of his request to be compensated for hours he worked in excess of forty each week. Under the Fair Labor Standards Act, it is "unlawful for any person . . . to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to [the FLSA]." 29 U.S.C. § 215(a)(3). "[Th]e remedial nature of the FLSA warrants an expansive interpretation of its provisions so that they will have the widest possible impact in the national economy." *Greathouse v. JHS Sec. Inc.*, 784 F.3d 105, 113-14 (2d Cir. 2015) (quoting *Irizarry v. Catsimatidis*, 722 F.3d 99, 110 (2d Cir. 2013)). For instance, "[i]t is possible to state an anti-retaliation claim under the FLSA without proving an actual violation of the FLSA." *Marcotte v. City of Rochester*, 677 F. App'x 723, 726 (2nd Cir. 2017) (summary order).

In order to establish Chief Padilla has experienced retaliation under the FLSA, he must be able to show: (1) he engaged in an activity protected by the FLSA; (2) Mayor Miller took an adverse employment action against him; and (3) there is a causal connection between the protected activity and the adverse employment action. *Israel v. United States Bank, NA*, 2023 U.S. Dist. LEXIS 16193 (D. Ariz. 2023). The information gathered demonstrates it is more likely than not that Chief Padilla can satisfy each of these elements.

1. Protected Activity

Chief Padilla can establish the first element of the retaliation analysis because he asked to be paid for the time he spent working beyond forty hours in a workweek. A verbal complaint to an employer can be the basis for an FLSA retaliation claim "so long as . . . the complaint is 'sufficiently clear and detailed for a reasonable employer to understand it, in light of both content and context, as an assertion of rights protected by the statute and a call for their protection.'" *Id.* at 107 (quoting *Kasten v. Saint-Gobain Performance Plastics Corp.*, 563 U.S. 1, 14, 131 S. Ct. 1325, 179 L. Ed. 2d 379 (2011)). Although Chief Padilla initially requested "comp time," the recording of his conversation with Mayor Miller on May 24, 2023, demonstrates

¹¹ Drinville stated Mayor Miller did not say why she wanted global admin access and had initiated the conversation because she was concerned that someone had been in her email account.

¹² Mayor Miller stated that when she asked to increase her access privileges, Drinville did not express concern about her having access to confidential justice information. Drinville confirmed that when warning her about the pitfalls of global admin access, he did not mention the problems with having access to confidential justice information.

that he clearly stated that he should be paid overtime. The issue of how he should be paid for excess hours was sufficiently clear that the City Attorney conducted a detailed legal analysis of it before concluding that Chief Padilla was owed overtime. Chief Padilla therefore engaged in protected activity under the FLSA by requesting to be paid compensation he believed was due to him.

2. Adverse Employment Action

Chief Padilla can also establish the second element under the retaliation analysis. Under this element, an action taken by an employer is considered retaliatory if “a reasonable employee would have found the challenged action materially adverse, which in this context means it well might have dissuaded a reasonable worker from making or supporting a ‘FLSA complaint.’” *McBurnie v. City of Prescott*, 511 F.App’x 624, 625 (9th Cir. 2013) (quoting *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53, 68 (2006)). In this matter, Mayor Miller took several actions when, considered collectively, well might have dissuaded a reasonable worker from asserting their rights under the FLSA.

a. Undermining Factual Basis for Entitlement to Overtime

Mayor Miller acknowledged during this investigation that she doubts that Chief Padilla’s primary duty was law enforcement, which is the factual foundation in Jones’ legal opinion for the entitlement to overtime under the FLSA. Over the past several months, she has repeatedly questioned the legitimacy of that foundation in different ways. For example, on July 5, in her first meeting with Chief Padilla and Jones regarding the opinion, she asked Chief Padilla if he “stood by” the opinion “100%,” and if he agreed he was only engaged in management ten to twenty percent of the time, noting that she was “just asking.” The clear inference from her questions was that she did not believe that was the case. She also asked Chief Padilla and Jones if they were in her shoes and they saw that the police chief was only a chief twenty percent of the time, how would they “fix” it.

The recording of the July 5 meeting demonstrates that the parties reached an agreement regarding how overtime would be addressed. They discussed the City’s policy requiring approval for overtime and the impracticality of obtaining approval when the overtime arose from something that required an imminent response.¹³ They landed on having Chief Padilla submit the schedule to Mayor Miller and identify days when he would have to include himself on the schedule and would earn overtime as a result. Despite the recorded discussion, Mayor Miller stated in her interview that she did not feel like they resolved the

¹³ Chief Padilla’s grievance contends that Mayor Miller’s request to approve his overtime was unreasonable. In the meeting, Mayor Miller was trying to balance the need to be fiscally responsible by monitoring overtime against Chief Padilla’s need to respond to emergencies. The request to meet and talk about overtime approval did not appear to be retaliatory in and of itself.

issue and that Jones agreed the issue would need to be revisited with Chief Padilla. Mayor Miller then confronted Chief Padilla on September 25 to question the overtime on his timesheet and why she needed to pay it.

Mayor Miller also sought to undermine the factual basis for the legal opinion by seeking comparative information about law enforcement duties from Chief Padilla's subordinate, Sgt. Smith. She quizzed him about what he did on patrol and how much time he spent on patrol as compared to his administrative duties one day after she received information from Jones about the amount of overtime compensation due to Chief Padilla. She did not have an operational need to request this information from Sgt. Smith. When asked why she questioned him, Mayor Miller she said that she did not have any plans for what she would do with the information and was just "curious."

While it was not inappropriate or unreasonable for Mayor Miller to disagree with the legal opinion, she had more constructive options available to her to address the overtime issue that did not involve second-guessing or confronting Chief Padilla. For example, she could adjust the 24/7 law enforcement coverage that contributed to the need for overtime. Mayor Miller has questioned whether that obligation has always been in place, and Jones acknowledged during the investigation that he is unsure of the legal basis for it. All parties have operated with the understanding that the City would provide 24/7 coverage. Although this issue surfaced during the July 5 meeting with Mayor Miller, Chief Padilla, and Jones, Mayor Miller has not taken any known action to explore it further.

Mayor Miller also has the option to change Chief Padilla's duties so that he is performing more managerial functions as his primary duty. She has repeatedly expressed her understanding that the Police Chief is a "chief" position, not a patrol position, and that she disagrees with the legal opinion.¹⁴ However, she has not informed Chief Padilla of any specific managerial duties she wants him to perform that would change the balance of his responsibilities. When asked about this issue during this investigation, she stated that Chief Padilla could be doing more public relations work to educate the community about the work of the Police Department. She acknowledged that she has not talked to Chief Padilla about which administrative duties she would like to add to his job description and explained that they have not had the ability to sit down for that conversation yet.

¹⁴ Mayor Miller also has the ability to obtain a second legal opinion on the overtime issue. She has not done so, citing "timing," expense, and the desire not to create "undue waves" when the Council was already frustrated with having to pay overtime. She stated she also believed Jones was requesting an opinion from the U.S. Department of Labor. Jones said that he told Mayor Miller there was a way to have DOL audit the City's wage practices, but he was not sure how to invite them to do so. As time went on, he also became more concerned about the scope of an audit and whether it would uncover the retaliation issues that are being explored in this investigation.

Lastly, Mayor Miller has the option of hiring a sixth police officer to help provide additional coverage. This would help reduce the amount of overtime because Chief Padilla would not need to fill in for officers who were at training or otherwise unavailable to work. It could also help contribute to an adjustment in his workload so he could perform more managerial duties. The City Council has budgeted for the additional officer, but Mayor Miller has not moved the hire forward, instead telling Chief Padilla that he needs to substantiate the need for it again. Under the circumstances, Mayor Miller's actions in questioning Chief Padilla's entitlement to overtime and avoiding or delaying constructive resolution of the perceived problem well might dissuade a reasonable worker from asserting their rights under the FLSA.

b. Suggesting that Chief Padilla Falsified his Timesheets

Mayor Miller proposed to Jones the possibility that Chief Padilla should be reported to POST for falsifying his time sheets. During this investigation, she explained that before she became mayor, she frequently listened to POST meetings, many of which involved allegations that law enforcement officers had falsified their time sheets. She knew it was a serious matter. Chief Padilla had previously completed timesheets that recorded his overtime, but when Mayor Miller appointed him as chief, she explained that he was salaried and would not receive additional compensation. He therefore discontinued including the additional time on his timesheet.

A report to POST for time sheet falsification could have serious and long-lasting repercussions for Chief Padilla. It could jeopardize his POST certification, which would prevent him from being in law enforcement. It could also affect his credibility and veracity, which would then be questioned any time he was a witness in a criminal prosecution. In short, it could cause potentially irreparable damage to his career in law enforcement. Mayor Miller's suggestion that Chief Padilla could be reported to POST for not reporting all of the time he worked is incongruous with her communication to him that he would be paid a salary and not additional compensation. A suggestion that an employee's career could be jeopardized for not reporting additional hours on their timesheet, even though their supervisor said they would not get additional compensation for those hours, well might dissuade a reasonable employee not to assert their rights under the FLSA.

c. Interference With Chief Padilla While He Was Out of the Office

Mayor Miller also took actions to interfere Chief Padilla's duties while he was out of the office on a medical leave of absence in July and August 2023. For example, within days of when he was initially out of the office, she received an email from the Conrad Chamber of Commerce promoting the City's National Night Out event. Chief Padilla had historically worked directly with the Chamber on this event, and Mayor Miller had not been involved. Within a few minutes, Mayor Miller forwarded the Chamber's email to Sgt. Smith, stating, "Not sure if the Chief filled you in or not on the planning needs for National Night Out? Please let me

know if you have any questions." Chief Padilla was copied on the email. One minute later, she emailed the Chamber to have them forward to her anything related to National Night Out that would typically be sent to Chief Padilla.

Mayor Miller's explanations about why she inserted herself between the Chamber and Chief Padilla were not credible. Mayor Miller said that she emailed Sgt. Smith about the event because she needed to know if there was coordination that would need to occur with the Public Works Department, and Public Works would not be able to figure it out without her involvement. However, Mayor Miller had met with Chief Padilla and the Public Works Director in July before Chief Padilla's medical leave to prepare for the event and discuss what the City would need to do. In addition, when she received information from the Chamber, she simply forwarded it on to the Public Works Director with only the message: "FYI."

Mayor Miller also said that she did not check directly with Chief Padilla about National Night Out because he was on leave, and she did not know if she could communicate with him. In fact, she had copied him on her message to Sgt. Smith, and she was frequently communicating with him about the budget a little over a week later.¹⁵ Mayor Miller provided no credible explanation for her request to receive all correspondence on an event handled by Chief Padilla, and it does not appear there was any operational need for her involvement.

In addition to intercepting Chief Padilla's communications regarding National Night Out, Mayor Miller asked his subordinate to arrange for her to access the City's surveillance system from her office. Mayor Miller's explanations for this request varied and were inconsistent. She initially said that she wanted access because she would need to upload video of meetings to the website. She also said Chief Padilla's access to the system put too much power in only one person's hands, and that a few employees had complained they felt he was spying on them. Mayor Miller stated she had not previously asked Chief Padilla about changing access before the overtime issue arose.

Mayor Miller also never spoke to Chief Padilla when he returned to the office about whether he had been "spying" on people through the surveillance system, indicating that this was either a non-issue or one about which she was not seriously concerned. Later in the interview, she changed her response to say that she was not asking for access to the surveillance system but was only asking Sgt. Smith to "flag" something in the system. Her varying explanations and decision to request access from Chief Padilla's subordinate while

¹⁵ Mayor Miller also said that when Chief Padilla previously was gone from the office on bereavement leave, she understood that he had taken care of the Department while he was away. He was in communication with his sergeant and staff, and she expected that would be true during this medical leave. Based on this understanding, it was unnecessary for Mayor Miller to intercept communications from the Chamber to Chief Padilla regarding National Night Out.

Chief Padilla was out of the office raise questions about the veracity of her reasons for seeking to obtain access to the surveillance system.

Mayor Miller also sought information regarding the Police Department's budget from alternative sources while Chief Padilla was out of the office. According to the Police Chief's job description, he is responsible for supervising and coordinating the preparation and presentation of an annual budget for the Police Department. Chief Padilla prepared information related to the budget before he went on medical leave on July 24.¹⁶ Subsequently, Mayor Miller felt additional detail was needed for certain categories, including equipment and supplies. She spoke with her husband, a Montana Highway Patrol officer, who then questioned a Conrad police officer about it. The officer reported feeling uncomfortable by the inquiry. Mayor Miller also asked one of Chief Padilla's subordinates for some of the same information she had requested from Chief Padilla, which also made that subordinate feel uncomfortable.

Both of these inquiries occurred before Mayor Miller exchanged follow-up information with Chief Padilla in August 2023. Although Chief Padilla's grievance alleges that Mayor Miller was backchecking the budget information he had provided in response to her request, the sequence of events demonstrates that she did not have his information at the time of her inquiries. Regardless, there does not appear to be any operational purpose for requesting the information from other sources when she was also requesting it from Chief Padilla, who was responsible for providing the information.

d. September 25 Meeting

On September 25, 2023, Mayor Miller asked to talk to Chief Padilla regarding his September timesheet, which included overtime. She said during this investigation that she approached him because she felt like they were getting along, and she wanted to talk to him about getting overtime approved outside of emergency situations. Based on the statements from both Mayor Miller and Chief Padilla, it is more likely than not that Mayor Miller told him the opinion concluding he was entitled to overtime was wrong, that he should not trust Jones, and that Jones was using him. She then asked him to help her rewrite the job description for the "next person" who would fill his position. Under these circumstances, it is more likely than not that Mayor Miller's messages would dissuade a reasonable person from complaining about unpaid overtime.

¹⁶ Mayor Miller stated that she requested information from Chief Padilla that she did not receive before he went on leave. Chief Padilla explained that his computer was having problems before he went on leave. Chief Padilla contends that Mayor Miller subsequently questioned the IT person working on the computer about whether it was actually functioning properly. Mayor Miller responded that she had many conversations with the IT person about computer function issues during that time period and that they were not specific to Chief Padilla.

e. Hiring of Sixth Police Officer

On September 5, 2023, the City Council approved a budget that included the cost for hiring a sixth police officer. Mayor Miller said that this has not advanced because she does not know if the City can actually spend the budgeted funds because she is not sure if the budget is balanced. She said she also wants to “substantiate the need.” She explained that the City Council has to make a separate decision to hire the police officer, too.

The meeting minutes from the session at which the police officer position was discussed mention that Mayor Miller will look into whether the issue needs to return to the Council for approval.¹⁷ It is not clear from the minutes whether the Council was asking about approval of the decision to advertise the position or the decision to hire a specific applicant. According to Jones, typically the Council does not see a hiring issue after it has approved it as a budget item until the Mayor recommends the actual hire to them. Jones understood that once the budget was approved, the department head could begin to advertise for applicants. He has not seen a situation, either as City Attorney or when he served as a member of the Council, where staff would have to return to the Council for approval to advertise for a position.

Hunsucker recalled that the issue did return to the Council when it involved hiring a fifth officer. He is not sure why this has not returned to the Council for approval for hiring the sixth officer and from his viewpoint, the position has been budgeted and financially approved.

Mayor Miller stated that the City has not had a financial officer since 2022, and the City’s books are not in good shape. She is currently requiring department heads to obtain approval for any expenses over \$500 because she is unsure of the City’s cash-on-hand. She said that she does not expect Chief Padilla to go back to the Council for approval of the sixth officer before advertising for the position since that is “not how it works.” She said she wants Chief Padilla to substantiate the need for the sixth officer because she wants to understand and justify the financial impact. She also said they could take this back to the Council at any time. Hunsucker has asked Mayor Miller about putting this on the Council agenda, but she told him she was waiting for information justifying the additional position.

Mayor Miller’s explanations for the delay in moving the sixth officer hiring forward are questionable. Although she stated she wants to “substantiate the need,” the Council has already approved the position as a budget item, and Hunsucker has asked her to put it on the agenda. She has also expressed her frustration with having to pay Chief Padilla overtime, which is often incurred because he has to cover shifts. The apparent delay in advancing the

¹⁷ Mayor Miller stated that she asked Choteau County Finance Officer Jodi Rodgers about whether the hiring had to return to the Council for approval and was told it did.

hiring process within Chief Padilla's department well might discourage a reasonable person from raising overtime compensation issues.

3. Causal Connection Between Protected Activity and Adverse Employment Action

Chief Padilla can establish the third element in the retaliation analysis that there is a causal connection between the protected activity and adverse employment action. It is undisputed that Mayor Miller disagreed with Jones' legal opinion that Chief Padilla was entitled to overtime. She doubted the opinion's factual underpinnings, based on her own anecdotal evidence, which she acknowledged was incomplete. She then undertook a number of specific steps to undermine the opinion. In words and actions, she repeatedly tried to target the foundation of the opinion, including by questioning Chief Padilla about whether he agreed with the opinion, enlisting him to rewrite his job description for his replacement, questioning his subordinate about his duties and hours, and raising the specter of reporting him to POST for alleged falsification of time sheets. She also took actions to undermine him while he was away from the office on medical leave, such as intercepting communications about a local event and seeking alternative sources for information about his department's budget.

Mayor Miller also tried to get Chief Padilla's subordinate to provide her with access to the surveillance system based on serious allegations about which she never confronted him, indicating that the allegations were not the real motive for seeking access. Her other stated motivation was her concern that Chief Padilla had sole access to the system, which she described as "too much power in one person's hands." Regardless, Chief Padilla had had the control of the system before Jones had concluded he was entitled to overtime. Mayor Miller acted to rectify the sole access issue only after the overtime determination was made and she had made her disagreement with the determination known. Under these circumstances, Chief Padilla has demonstrated a causal connection between his protected activity and the collective adverse employment actions taken by Mayor Miller.

It appears there is a basic misunderstanding about "exempt" status under the FLSA that contributed to the events that followed the issuance of Jones' legal opinion. Mayor Miller repeatedly described Jones' conclusions as "new" and a changed circumstance. In fact, she was aware that Chief Padilla had received overtime when he was the Interim Chief prior to her election. She believed that the change to "salaried" status meant that he would no longer receive overtime, even though his duties did not change. She also increased his compensation to try to make up the difference. She did not understand that designating someone as "salaried" was not the end of the inquiry and that an evaluation of the employee's job duties was central to a determination under the FLSA. When Jones concluded Chief Padilla was eligible for overtime, Mayor Miller's frustrations were misdirected in ways that were detrimental to Chief Padilla and ultimately retaliatory.

GLOBAL ADMINISTRATIVE ACCESS

After Chief Padilla filed his grievance, a significant issue surfaced related to electronic access to information that implicated some of the same issues as his grievance. At the end of August 2023, Mayor Miller requested and received global administrative access to the City's Microsoft 365 products. This access allowed her to go into other employees' email accounts without them knowing. The access was discovered by others with the City only after Mayor Miller had responded to a phishing attempt, and DIS notified both her and Chief Padilla that their privileges had been changed. As part of this change, Mayor Miller's global admin privileges were restored, but Chief Padilla's were not. It is more likely than not that Mayor Miller had been contemplating reducing his privileges and had not informed DIS of the level to assign to him before the phishing attempt occurred. Although Mayor Miller denied considering a change to Chief Padilla's privileges, her statements are contradicted by Drinville's testimony, as well as by his contemporaneous email¹⁸, which explains that he is not reinstating Chief Padilla's privileges until she decides at what level to assign them.

Mayor Miller's explanation of why she wanted global admin access is not credible. She explained that she needed the access to leverage the City's Microsoft licenses so they could host recordings of meetings and share information externally. She said that DIS disclaims expertise in Microsoft 365, so she was exploring the issue with other IT companies with whom she was in contact at the time. However, DIS is the company that installed and managed Microsoft 365 on the City's systems. Mayor Miller also did not broach the subject of a more expansive use of Microsoft 365 with Garrett Johnson until late September or early October, well after she had been given global admin access.

After Jones notified Mayor Miller on October 24 that her global admin access privileges had been revoked, Mayor Miller responded that DIS "knew full well" why she had requested the privileges and that they had not mentioned any concerns about potential access to criminal justice information. However, Josh Drinville, the City's DIS account manager, stated that when Mayor Miller requested the privileges, she told him only that she felt someone had accessed her email account, and he verified her comment in a contemporaneous service ticket. Contrary to her statement, she did not otherwise tell him why she wanted to increase her access privileges. As noted above, the request for additional access came after discussing that Chief Padilla had global admin access. Both Mayor Miller and Drinville acknowledged that they did not discuss the fact that Mayor Miller would have access to confidential justice information as part of her global admin privileges, but it is clear that Mayor Miller knew she would have access to such information.¹⁹

¹⁸ Mayor Miller stated that Drinville wrote the email while he was on the phone to her.

¹⁹ In September, Mayor Miller discussed with DIS and Jones the possibility of setting up a "city attorney" email account for Jones. Jones expressed concern about the account having confidential justice information

Global admin access allows an individual to set up forwarding and mail flow rules to obtain copies of messages sent and received from an employee's mailbox. It also allows an individual to assign access permissions to multiple mailboxes. There are resources available on the internet, including through Microsoft, that walk a global admin user through the process of accessing another employee's mailbox. Mayor Miller was aware that her global admin privileges gave her access to other email accounts,²⁰ including accounts with sensitive and protected information, and there are legitimate questions about whether and how she might have used that access.

There is evidence that suggests Mayor Miller sought the global admin access in order to look at other employees' emails. She asked for the access after suspecting that someone had been accessing her own email account. DIS provided Mayor Miller a resource that explained the broad reach of the global admin access privilege, and she subsequently asked to be provided with that access. She also declined to inform Chief Padilla that she had increased her access, even though he was back from his medical leave, served as the Microsoft Security officer for the City, and was reportedly part of conversations Mayor Miller had with IT companies about the need to use Microsoft 365 in a more expansive way for external sharing purposes.

On the other hand, Mayor Miller has denied accessing anyone else's mailbox. At one point, she asked DIS for a password to an old City mailbox used by Jones, which suggests that she was unaware that she had the ability to access the mailbox without a password.²¹ DIS sought an audit report from Microsoft to determine what access Mayor Miller may have utilized, but such a report was unavailable due to recent changes to the Microsoft products.

Overall, it cannot be determined from the evidence gathered whether Mayor Miller used her global admin access privileges to access any other City employee's email, including Chief Padilla's. It is more likely than not that she obtained global admin access privileges for reasons other than wanting to explore a more expansive use of their Microsoft 365 licenses, including because Chief Padilla had such access. The access raised some troubling questions regarding her intentions, especially when considering the ongoing tension with Chief Padilla and her concern that someone had accessed her own email. Nevertheless, the investigation has not substantiated that Mayor Miller used her access for impermissible reasons, only that she could have.

and privileged information in it and asked, "Who has administrative privileges such that they can access this account?" Mayor Miller responded that she and Chief Padilla had "Admin roles," as well as DIS.

²⁰ See footnoted 18.


²¹ During this same time period, Mayor Miller also set up a Teams group with Jones that reportedly would have allowed her to be blind copied on any emails to or from Jones. She informed Drinville that this was inadvertent and asked him to delete the group. Her prompt removal of the group and confusion about how she created it makes it more likely than not that she had not intended to view emails Jones was receiving.

Nathan Hunsucker
November 13, 2023
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SUMMARY

Chief Padilla's grievance that he experienced retaliation following the determination that he was entitled to overtime is substantiated, as described above.

Sincerely,



Amy D. Christensen

EXHIBIT A

EXHIBIT A

Witnesses Interviewed

Josh Drinville, DIS Technologies IT Support Specialist

Nathan Hunsucker, Chair of Conrad City Council

Patti Hutton, Conrad Payroll Clerk

Garrett Johnson, DIS Technologies IT Director

Daniel Jones, Conrad City Attorney

Jacob Konen, Conrad Police Officer

Jamie Miller, Conrad Mayor

Ernest Padilla, Conrad Chief of Police

Derrek Shepherd, MMIA HR Consultant

Corey Smith, Conrad Police Sergeant

EXHIBIT B

EXHIBIT B
Documents Reviewed

Rate of Pay Change Form (Feb. 1, 2022)

Chief Padilla Timesheets (June 2021 – Feb. 2022)

Payroll Register for Chief Padilla (June 2021 – Feb. 2022)

Email from Payroll/Admin Clerk to Chief Padilla re: POLICE CHIEF SALARY TIME SHEET and attachment (Jan. 9, 2023)

Video and audio from meeting on May 24, 2023

Email from DLI to Chief Padilla and forwarded to City Attorney Jones re: Overtime/Salary exemption rules and attachment (May 24, 2023)

Emails between City Attorney Jones and Mayor Miller re: Overtime Wages (June 6, 2023)

Emails between City Attorney Jones and Mayor Miller re: Police Chief overtime (June 27, 29, 2023)

City Attorney Legal Opinion 2023-01 (June 27, 2023)

Video and audio from meeting on July 5, 2023

Mayor Miller email to Sgt. Smith and Chief Padilla re: National Night Out (July 27, 2023)

Emails between Mayor Miller and Public Works Director Zimbelman re: National Night Out (July 31 – Aug. 1, 2023)

Emails between Mayor Miller and Conrad Chamber of Commerce re: national Night Out (July 27 – 31, 2023)

Emails between Mayor Miller and Chief Padilla re: Budget – Info needed (August 7 – 9, 2023)

Emails between Mayor Miller and City Attorney Jones re: Overtime Pay with attached Excel spreadsheet (Aug. 9, 21-22, 2023)

Emails from Univision to Mayor Miller and from Mayor Miller to Chief Padilla re: Velocity Complete Remote Managed Services (Aug. 9, 2023)

Chief Padilla's email to Mayor Miller and Conrad City Council re: CPD 23-24 Budget with Excel spreadsheet (Aug. 10, 2023)

First Call email to Mayor Miller (Aug. 11, 2023)

Mayor Miller emails to City Council, Chief Padilla, Jodi Rogers re: CPD 23-24 Budget (Aug. 11-14, 2023)

Conrad City Council meeting minutes (Aug. 15, 2023)

DIS Technologies Service Ticket (Aug. 30, 2023)

DIS Technologies Teams messages (Aug. 30, 2023)

Mayor Miller's email requesting global admin access (Aug. 30, 2023)

Conrad City Council Resolution Adopting Budget (Sept. 5, 2023)

Emails between Mayor Miller and Drinville re: City Attorney email account (Sept. 6 – 11, 2023)

Email from First Call to Mayor Miller, Chief Padilla (Sept. 11, 2023)

Mayor Miller email to City Attorney Jones, Chief Padilla re: City Attorney email account (Sept. 12, 2023)

Emails between Mayor Miller and Jessica Butler re: Follow up – payment processing (Sept. 17-18, 2023)

Police Chief Padilla's Grievance (Sept. 28, 2023)

DIS Service Report (Oct. 1-16, 2023)

Drinville email re: Phishing attempt update (Oct. 10, 2023)

Chief Padilla email re: Phishing attempt update (Oct. 10, 2023)

Chief Padilla email re: Administrative Privilege Removal (Oct. 18, 2023)

City Attorney Jones email to Mayor Miller and Council re: Administrative Privilege Removal (Oct. 18, 2023)

Mayor Miller email re: Administrative Privilege Removal (Oct. 24, 2023)

Emails from/to City Attorney Jones (Oct. 31, 2023)

Budget Information Request spreadsheet with notes from Mayor Miller and Chief Padilla

Payroll calculations of Chief Padilla overtime amounts due

Proposed Conrad Police Department Budget for FY 2023-24 with handwritten notes

City of Conrad Grievance Procedure

House Bill 890

Conrad Chief of Police Job Description