

CONWAY POLICE DEPARTMENT

MEMORANDUM

TO: Mayor Bart Castleberry, Chief Jody Spradlin

FROM: Lt. Mike Welsh

DATE: 3/15/2019

SUBJECT: Josh Zylks investigation

On Wednesday, March 13th, I contacted Josh Zylks by phone and arranged for him to meet with me at the police department. We agreed to meet in my office at 10:45 this same morning. Upon his arrival, we introduced ourselves and met with the office door and blinds closed, to ensure a private meeting. I explained my job duties and also explained the meaning of the Garrity Rights for employers and employees. I also read a generic Garrity form to him, explaining his rights. This is not the same form used for Conway Police but the same rules apply. Josh advised that he understood the conditions of this interview and signed the form that was read to him. As part of his rights, I advised him of the allegations against him, which were concerns about poor Employee Management and Employee Accountability.

The following is a summary of the information Josh provided. Please refer to the audio only recorded version and/or the audio-video recorded version of this interview.

Josh is a salaried employee, like other department heads in the city. He does not receive overtime pay. Josh performed duties before and after hours for pilots and plane owners that would normally be completed by other employees. Josh would fuel, prep and store planes. Along with fuel costs, there is a separate \$60 "callout fee". This fee is charged on the fuel ticket and billed to the plane owner by the city. The fee helps the city cover the overtime costs for airport employees. Josh would perform these tasks and put two hours of overtime on other employees' timesheets so they could collect the fee for a service they did not provide. In return, they would give \$40 to Josh for handling the callout. Some money, \$20, is kept by the employee to cover income taxes and other costs taken out of their paychecks. Josh is now paid money he would not otherwise receive. Josh advised that he is responsible for about one-third to one-half of the early and late callouts. Josh handled the callouts because the other employees lived outside of Faulkner County and he lives in Conway. Josh advised that this exchange of money for handling a callout for the employee happens about once a week or once per pay period. Brandy and Tim.

Josh advised that he does not hold employees accountable for working a full 40 hour week and allows them to work less without making proper adjustments on their timesheets. They submitted timesheets documenting a full week of hours worked when they actually worked much less. Josh advised that he has talked to his employees about this but has never disciplined an employee for the multiple violations.

I talked with Josh about Brandy accepting direct payment from customers for the \$60 callout fee. I understood that she used a mobile credit/debit card reader to accept direct payment. Josh confirmed that this was true and occurred between 20-25 times. This is money that is supposed to be billed by the city and paid to the city. Accepting payment directly from the customer allows Brandy to receive the entire amount and not the smaller overtime rate she would receive based on her hourly rate. Josh then advised that he also uses a mobile reader to accept direct payment from the customer. He admits to doing this 15-20 times. We agreed that this practice should stop immediately.

Next, I asked why Brandy would have the portable credit card reader. He advised that she has a side business to clean and detail airplanes. Cleaning and detailing planes is not a service provided by the airport. Josh advised that he has warned Brandy several times to about working for her own business while on city time. Josh advised that Brandy charges between \$25-\$50 for small planes and \$150-\$300 for jet planes. Again, Josh has never disciplined his employees for violations of rules or insubordination of his direct orders.

Josh and Brandy have city owned vehicles which they can use in case of callouts. Josh advised that Brandy's assigned vehicle is not really necessary. He suspects she uses it for personal use because he confirmed that her personal car has been in storage at the airport for about a year. He believes it to be in working order. She occasionally drives it around. He believes she only has access to one parking space at her apartment building in downtown Little Rock.

He advised gas for the cars is paid for with a card, much like the police department's fuel cards, but they also have keys to the fuel pumps at the Street Department. These keys were issued by Jacob Reynolds about 4 and a half years ago.

Before dismissing Josh, I informed him to keep our interview confidential and not to discuss anything that was said to any of his employees. I advised him that doing so could result in disciplinary action. He acknowledged that he understood.

After Josh left, I called his cell phone to ask him one follow-up question. I asked if the sole purpose of his credit card reader was to directly handle the callout fees so he could collect the entire fee and not have to go through his employees. He answered "Yes". This phone call was not recorded. Only the above mentioned face to face interview was recorded.