

Executive Summary-Planning and Zoning Department

Allegation Referral 1446

May 13, 2016

This memo serves to summarize the actions and conclusions associated with allegations regarding several personnel matters in the Planning and Zoning Department.

On April 4, 2016 the City Auditor's Integrity Unit (CAIU) referred to Employee Relations multiple anonymous reports of concerns regarding the working environment in the Planning and Zoning Department. The allegations mainly involved conduct by Assistant Director, Matt Lewis and one incident at a business meeting where Director, Greg Guernsey allowed alcohol to be served.

Issues/Allegation:

1. Director, Greg Guernsey and Assistant Director, Matthew Lewis, had a business meeting during working hours and alcohol was present.
2. Assistant Director, Matt Lewis walks around in jeans, tennis shoes, t-shirt and skateboard while other employees are required to dress professionally.
3. Assistant Director, Matt Lewis screams and shouts at employees while dictating what they need to do. The most recent incident happened a few weeks ago with Administrative Assistant Donna Arwood.

Allegation 1.

Director, Greg Guernsey and Assistant Director, Matthew Lewis had a business meeting during working hours and alcohol was present.

Findings of Fact:

Mr. Greg Guernsey testified to the following:

- Mr. Guernsey has been with the City since 1985 and has been Director of the Planning and Zoning since 2007.
- Mr. Guernsey reported that he had a staff meeting at Threadgills on January 8, 2016 at 4:00 pm. Mr. Guernsey stated that the required attendees were; Mr. Matthew Lewis, Mr. Stevie Greathouse, Ms. Carol Haywood, Ms. Connie Campa, Mr. Jerry Rusthoven, Mr. Jim Robertson, and Mr. Kyle Boisjoli. (Email dated 1/8/2016 was sent to all attendees).
- Mr. Guernsey reported that the purpose of the meeting was to plan a retreat to discuss the budget and end of year needs for the Planning and Zoning Department. Mr. Guernsey reported that the meeting was mandatory for business purposes.

- Mr. Guernsey reported that although he did not serve alcohol or order any for himself, some of the staff did order beer. Mr. Guernsey did not remember exactly who ordered beer.
- Mr. Guernsey reported that after the meeting he was advised by Mr. Kyle Boisjoli, HR Advisor, that employees should not have ordered alcohol at the meeting. Mr. Guernsey reported that he realized it was a mistake to allow some of the staff to order alcohol, that it only happened on this one occasion, and that he has never done it again.
- Mr. Lewis reported that it was not a mandatory business staff meeting during working hours, therefore it was okay for employees to drink alcohol. Mr. Lewis described the meeting as a voluntary after hour gathering to discuss issues in the department.
- Mr. Lewis reported that everyone was off the clock and the meeting started around 4 pm or 5 pm in the evening. Mr. Lewis stated that since they work flexible hours it was not during work time.
- Mr. Lewis reported that the purpose of the meeting was to simply discuss the office environment and things to do to shift the culture to something better than what they were.
- Mr. Lewis reported that the department was split on issues and they wanted to build the team up and move forward. Mr. Lewis reported that an outside consultant named, Paul Zucker reported that the Planning and Zoning Department had the worse culture in the nation.

Conclusion:

The Drug – Free Workplace policy states, all City work sites shall be free of drugs, alcohol, and inhalants. The unlawful manufacture, distribution, dispensing, possession or use of inhalants or controlled substances or possession or use of alcohol in the workplace or while on duty is prohibited.

The employees did violate City policy by drinking beer at the business related staff meeting during working hours at Threadgill's. Mr. Lewis was not forthright in his testimony regarding the purpose and timing of the staff meeting. Mr. Lewis' testimony is the opposite of what Mr. Guernsey testified to earlier. Mr. Guernsey's testimony is credible because he acknowledged a policy violation.

Allegation 2.

Assistant Director, Matt Lewis walks around in jeans, tennis shoes, t-shirt, and skateboard while other employees are required to dress professionally.

Findings of Fact:

Mr. Matt Lewis testified to the following:

- Mr. Lewis is the Assistant Director of Planning and Zoning with one year and seven months of service, reporting to Mr. Greg Guernsey, Director.
- Mr. Lewis reported that he goes by the City's dress code of business casual and has never told anyone how to dress.
- Mr. Lewis reported that he does sometimes ride a skateboard to work after commuting on a train or bus. Sometimes he may ride a bicycle to work.
- Mr. Lewis reported that he always dresses professionally with either dark denim jeans or khakis. Mr. Lewis reported that he does not have any issues with the way employees dress. Mr. Lewis stated that everyone in the office dresses professionally.

Conclusion:

This allegation could not be substantiated; therefore, no policy violation was found.

Allegation 3.

Assistant Director, Matt Lewis screams and shouts at employees while dictating what they need to do. The most recent incident happened a few weeks ago with Administrative Assistant Donna Arwood.

Findings of Fact:

Ms. Donna Arwood testified to the following:

- Ms. Arwood is an Administrative Specialist with four years of service, reporting to Mr. Matthew Lewis, Assistant Director.
- Ms. Arwood reported that on April 15, 2016, she arrived in the office at 8:45 am and went to flip on the light switch.
- Ms. Arwood reported that a coworker named Mr. Mark Walters walked out of Mr. Lewis' office at that time.
- Ms. Arwood reported that Mr. Lewis came out of his office behind Mr. Walters and said "good morning Donna, you got here at 8:45 am so you will work until 5:45 pm."
- Ms. Arwood reported that Mr. Lewis stated in an angry tone, that he had received an anonymous complaint about him. Ms. Arwood reported that she asked Mr. Lewis "what was he talking about?"
- Ms. Arwood reported that Mr. Lewis stated in a loud angry tone, that "he was sick of people not having the balls and running to HR instead of coming to him".
- Ms. Arwood reported that she had filed a complaint against Mr. Lewis in February 2016, and Mr. Lewis kept saying in a loud angry tone that he was furious with her for filing the complaint with HR.
- Ms. Arwood reported that Mr. Lewis kept yelling that he was furious with her and said at one point that she had to stay until 6:00 pm that night.

- Ms. Arwood reported that Mr. Lewis kept bringing up the anonymous complaint against him while saying angrily that he was sick of the complaints and furious at Ms. Arwood.
- Ms. Arwood reported that Mr. Lewis said to her, "you called me a bully in your last complaint in February, and I am furious about that."
- Ms. Arwood reported that Mr. Lewis stated "your world is going to be rocked and everybody here also. You and everybody is going to wish you didn't work here".
- Ms. Arwood reported that Mr. Lewis put his finger in her face and kept saying that he was furious with her. Ms. Arwood stated that Mr. Lewis was pacing the floor, rubbing his head, and making fists with his hands.
- Ms. Arwood reported that Mr. Lewis said that he was going to sit in his office every day and monitor what everyone does.
- Ms. Arwood reported that Mr. Lewis asked her to schedule a mandatory meeting for Monday morning at 8:00 a.m. because he was going to, "rock her world".
- Ms. Arwood reported that she kept asking Mr. Lewis why was he yelling at her and he never gave her an answer.
- Ms. Arwood reported that it took her three attempts to get the meeting scheduled because she kept making mistakes as her hands were shaking so badly that she couldn't keep her attention focused on scheduling the meeting.
- Ms. Arwood reported that Ms. Debbie Valero reported the incident to Ms. Camille Bushner, HR Specialist. Ms. Bushner met with Ms. Arwood, and together they reported the incident to Mr. John Beasley, HR Manager.
- Ms. Arwood reported that she also met with Mr. John Beasley, Mr. Greg Guernsey, and Ms. Christina Willingham the same day of the incident and was eventually encouraged to go home because she was so upset.
- Ms. Arwood reported that Mr. Lewis has a history of talking "bad" to people in meetings since he has been in the department. Ms. Arwood also reported that Mr. Lewis gets angry a lot and won't follow the rules specifically when it comes to using the City Pro-Card.
- Ms. Arwood reported that she does not want to report to Mr. Lewis anymore.

Mr. Matt Lewis testified to the following:

- Mr. Lewis is the Assistant Director of Planning and Zoning with one year and seven months of service, reporting to Mr. Greg Guernsey, Director.
- Mr. Lewis reported that he was at the meeting Mr. Guernsey scheduled at Threadgill's back in January 2016. Mr. Lewis reported that the meeting was not mandatory and neither was it a business meeting. Mr. Lewis reported that everyone was off of the clock. Mr. Lewis reported that the meeting was around 4 or 5 in the evening and because they work flexible hours it was not during work time.
- Mr. Lewis reported that the meeting was simply to discuss the office environment and what they wanted to do to shift the culture to something better than what it was.

- Mr. Lewis reported that the department was split on issues and they wanted to build the team up and move forward. Mr. Lewis reported that an outside consultant named Paul Zucker reported that the Planning and Zoning Department had the worst culture in the nation.
- Mr. Lewis reported that he was making changes that people did not like. Mr. Lewis stated that people did not like to be held accountable, didn't like timelessness, measurements or expectations.
- Mr. Lewis reported that he had to have tough conversations with employees, but never yelled or screamed at them. Mr. Lewis reported that he had several stern conversations with raised voices but was not screaming.
- Mr. Lewis reported that he had a staff meeting and talked about people not being at work on time to open the office. Mr. Lewis stated that he had a straight forward conversation with Ms. Donna Arwood on April 15, 2016, about opening the office on time and scheduling meetings, but that he never yelled at her. Mr. Lewis stated that he did tell Ms. Arwood that she had to work until 5:45 pm to make up for her time.
- Mr. Lewis reported that Ms. Arwood filed a complaint against him for not telling her about jobs he had delegated to Ms. Arwood. Mr. Lewis stated that he did document on his calendar jobs to delegate based on task which included Ms. Arwood.

Mr. Mark Walters testified to the following:

- Mr. Walters is a Principal Planner with sixteen years of service reporting to Mr. Matt Dugan, Manager. Mr. Walters has been with the Planning and Zoning Department since 2005.
- Mr. Walters reported that he arrived to work around 8:20 am the morning of April 15, 2016 and went into Mr. Matt Lewis office around 8:30 am.
- Mr. Walters reported that Mr. Lewis was visibly upset. Mr. Walters stated that Mr. Lewis said that "he was upset with this place because someone had filed another anonymous complaint against him".
- Mr. Walters reported that Mr. Lewis said that he was going to start "cracking down and become the worse boss you ever had". Mr. Walters stated that Mr. Lewis was venting and going on and on for about five minutes. Mr. Walters reported that Mr. Lewis voice was raised and loud.
- Mr. Walters reported that when Ms. Arwood came in he heard Mr. Lewis say to Ms. Arwood "you are going to stay past 5:00 pm" I'm tired of people I'm going to crack down". Mr. Walters stated that he doesn't remember what Ms. Arwood said.
- Mr. Walters reported that Mr. Lewis and Ms. Arwood had conflicts before and he felt something was going on now but, "tuned them out".

- Mr. Walters reported that Mr. Lewis said something about someone filing a complaint against him. Mr. Walters reported that Ms. Arwood told Mr. Lewis that she did not file a complaint against Mr. Lewis.
- Mr. Walters reported that Ms. Arwood came into his office visibly upset over the conversation she had with Mr. Lewis.
- Mr. Walters reported that later that morning Mr. Beasley and Ms. Willingham met with Mr. Walters and got a statement about the incident.
- Mr. Walters reported that later that same day Mr. Lewis apologized to Mr. Walters for his behavior. Mr. Walters reported that Mr. Lewis said he was “sorry for blowing up and being upset”.

Conclusion:

The one witness did confirm that Mr. Lewis was visibly upset and spoke to Ms. Arwood in a raised accusatory tone. The witness also corroborated some of the allegations in Ms. Arwood’s testimony; specifically, references to “cracking down on employees and being the worst boss you have ever had”. The witness noted that Mr. Lewis has also made a reference to being tired of people filing anonymous complaints against him.

Mr. Lewis did violate policies by not being forthright in his testimony, accusing Ms. Arwood of complaining about him, and publicly displaying his frustration over employees exercising their rights to complain anonymously.

Mr. Lewis’ conduct in not being forthright in his testimony, accusing Ms. Arwood of complaining about him, and publicly displaying his frustration over employees exercising their rights to complain anonymously was inconsistent with, and violated, the City of Austin Harassment policy, the City of Austin Employee Conduct policy, the City of Austin Working Relationships policy, and Municipal Civil Service Rules 6.02.B.4 (c) and (g), and 6.02.B(10).