

Investigative Report

# Austin Public Health Employee Misused Family Medical Leave

August 2022



Sanford Lyles, a former public health coordinator at Austin Public Health, misused City resources when he worked for his secondary employment as the board chair of a nonprofit while taking family medical leave from the City.

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Cover: Austin During COVID 23, Communication and Public Information Office

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# Allegation

In May 2021, we received an allegation that an Austin Public Health employee, Sanford Lyles, may have been working his secondary employment while on family medical leave approved by the City.

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# Background

Austin Public Health’s (APH) mission is “to prevent disease, promote health, and protect the well-being of all.”

Sanford Lyles was a public health program coordinator at APH from May 2016 to December 2021. In his position at APH, Lyles was responsible for getting local program approval from city and county officials while also identifying potential federal funding sources for that program.

Lyles requested continuous leave under the Family and Medical Leave Act (FMLA) from April 26, 2021, to June 1, 2021, and APH Human Resources approved his request. Lyles then applied for an extension of the FMLA leave through June 15, 2021, which was also approved by APH HR. FMLA provides eligible employees with federally-required job-protected leave for specific family and medical reasons. Employees can use their accrued sick and vacation leave hours during FMLA leave to continue being paid.

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# Investigation Results Summary

We found evidence that Sanford Lyles, a former public health program coordinator at APH, misused FMLA leave and his City computer for his secondary employment as the paid board chair of a local nonprofit. Specifically, we found Lyles organized 60 meetings at the nonprofit across 21 of the 36 days he was on FMLA leave with the City. We also found that Lyles used his City computer to save at least 16 documents and access websites related to the nonprofit 57 times.

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## Finding 1 Lyles misused City resources

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### *Investigation Criteria:*

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

*City Code §2-7-62(J)*

*See Investigation Criteria for details*

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### *Investigation Criteria:*

*Employees are prohibited from working secondary employment the same day the Employee uses a sick day.*

*HRD FMLA Procedure - Outside Employment*

*See Investigation Criteria for details*

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Sanford Lyles misused City resources to do work for a nonprofit where he earns income while on FMLA leave with the City. Lyles stated that he needed to treat a serious health condition on his FMLA leave application and in correspondence with APH HR. We found that Lyles scheduled meetings with staff at this nonprofit on 21 of the 36 days he was on FMLA leave with the City. In total, he scheduled 60 meetings over the course of 17 paid FMLA sick days, 1 paid FMLA vacation day, and 3 unpaid FMLA days.

We also found that Lyles used his City computer to do work for his secondary employment throughout his time at APH. In total, Lyles saved 16 documents on his computer and accessed multiple websites related to the nonprofit 57 times.

In April 2021, Lyles applied for FMLA leave to treat a personal serious health condition. His application was then approved by APH Human Resources. City FMLA policy describes a serious health condition as one that makes the employee unable to perform the functions of their job. Policy adds that serious health conditions involve inpatient care or continuing treatment from a health care provider. Lyles was to take FMLA leave from April 26, 2021, to June 1, 2021. He requested an extension of FMLA leave through June 15, 2021, which was also approved by APH Human Resources. In total, Lyles was on FMLA leave for 36 business days. While on this FMLA leave, Lyles used paid sick and vacation leave hours and continued earning a salary with the City.

According to the Human Resources procedure manual on FMLA leave, employees are “prohibited from working secondary employment the same day the Employee uses a sick day.”

Multiple attempts were made to schedule an interview with Lyles about his activities while on FMLA leave and the use of his City computer. Lyles cancelled the first scheduled interview and three additional attempts were made to reschedule an interview with him. Lyles did not make himself available for a complete interview.

Lyles’ misuse of FMLA leave and his City issued computer to do work for his secondary employment constitutes violations of the following criteria:

- City Code §2-7-62 (J) – Standards of Conduct
- HRD FMLA Procedure - In Outside Employment



# Appendix A - Subject Response

Lyles did not provide a response.

# Appendix B - Management Response



## MEMORANDUM

**TO:** Brian Molloy, Chief of Investigations, City Auditor Investigations Unit  
**FROM:** Adrienne Sturup, Director, Austin Public Health  
**DATE:** August 23, 2022  
**SUBJECT:** Investigation Report (IN21008)

Thank you for the opportunity to respond to Investigation Report IN21008, *Austin Public Health Employee Misused Family Medical Leave*.

APH requires annual acknowledgement by all employees of the City's Secondary Employment Policy and use of City equipment when they sign APH's Standards of Conduct during SSPR time. APH Management will continue to train employees and reinforce the City and APH Standards of Conduct and Secondary Employment Policies. Mr. Lyles resigned City employment on December 6, 2021.



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# Investigation Criteria

## Finding 1

City Code §2-7-62(J) - Standards of Conduct

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

HRD FMLA Procedure - Outside Employment

A City Employee is prohibited from engaging in other employment that interferes with the performance of his or her City duties or represents a conflict of interest. Employees are prohibited from working secondary employment the same day the Employee uses a sick day. Any outside employment must be approved by the Department Director, adhere to these requirements and cannot interfere with the Employee's recovery and prescribed treatment or therapy during FMLA leave.

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## Methodology

We took the following steps to accomplish our investigation objectives:

- Reviewed applicable City Code and policy
- Conducted background research
- Analyzed the subject's leave approval, payroll data, and computer data
- Interviewed City staff
- Interviewed witnesses

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## CAIU Investigative Standards

Investigations by the Office of the City Auditor are considered non-audit projects under Government Auditing Standards and are conducted in accordance with the general and ethics standards, procedures recommended by the Association of Certified Fraud Examiners (ACFE), and the ACFE Fraud Examiner's Manual. Investigations also adhere to quality standards for investigations established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and City Code.

The Office of the City Auditor, per City Code, may conduct investigations into fraud, abuse, or illegality that may be occurring. If the City Auditor, through the Integrity Unit, finds that there is sufficient evidence to indicate that a material violation of a matter within the office's jurisdiction may have occurred, the City Auditor will issue an investigative report and provide a copy to the appropriate authority.

In order to ensure our report is fair, complete, and objective, we requested responses from both the subject and the Department Director on the results of this investigation. Please find attached these responses in Appendix A and C.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve city services. We conduct investigations of allegations of fraud, waste, or abuse by City employees or contractors.

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