

Officer Conchita I. Espinosa, #0203  
San Antonio Police Department  
San Antonio, Texas

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CITY OF SAN ANTONIO  
HUMAN RESOURCES DEPT

2016 OCT 14 AM 11:01

LEGAL ADVISOR'S OFFICE  
OCT 13 2016  
SAN ANTONIO POLICE DEPARTMENT

Fire Fighters' and Police Officers' Civil Service Commission  
111 Soledad, Suite 123  
San Antonio, Texas 78205

### **AGREED SUSPENSION**

Commissioners and Officer Conchita I. Espinosa:

**WHEREAS**, Officer Conchita I. Espinosa, pursuant to Article XXVIII, Section 2 of the Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association, was served on September 28, 2016, with a one-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Officer Espinosa was given an opportunity to rebut those charges being brought against her to Police Chief William P. McManus; and

**WHEREAS**, said opportunity was exercised by Officer Espinosa; and

**WHEREAS**, Officer Espinosa and Chief McManus have agreed that the discipline in this matter shall be a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Espinosa shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on October 26, 2016, and ending on October 26, 2016. Should Officer Espinosa not be involved in a chargeable traffic accident in the year following the issuance of this agreed suspension, upon application by Officer Espinosa within two weeks of such date, and approval by the Chief of Police, one day's pay and benefits will be returned to Officer Espinosa. Officer Espinosa waives any rights to appeal this Agreed Suspension and agrees no administrative or judicial body shall have power to review this Agreed Suspension or alter the terms of this agreement.

Officer Espinosa has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters' and Police Officers' Civil Service Commission Rules, said rules having been adopted on February 23, 1998, and thereafter from time to time amended, by the Fire Fighters' and Police Officers' Civil Service Commission as the Civil Service Rules for the Fire and Police Departments of the City of San Antonio. The particular civil service rules violated by Officer Espinosa and grounds for suspension are as follows:

- (12) Violation of an applicable fire or police department rule or special order.

The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Espinosa has violated are as follows:

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RULE 3.18 - CITY EQUIPMENT/PROPERTY (A) IMPROPER OR NEGLIGENT HANDLING: Improper or negligent handling of any city property or willful damage to city property is prohibited.

The factual basis for the instant disciplinary suspension is as follows:

On or about July 20, 2016, at approximately 11:50 a.m., while on duty and operating a city-owned vehicle in the 100 block of W. Cypress Street, Officer Conchita I. Espinosa negligently struck a vehicle.

The level of this suspension is based upon Officer Espinosa's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.17 of the San Antonio Police Department General Manual.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY:



WILLIAM P. MCMANUS  
CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

10-10-16  
DATE



OFFICER CONCHITA I. ESPINOSA, #0203  
SAN ANTONIO POLICE DEPARTMENT

10-13, 2016 6:10  
DATE TIME

I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of the instant suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San Antonio requesting either arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. I acknowledge that I have been informed that if I appeal to a hearing examiner/arbitrator, I waive all rights to appeal to a district court except as provided by subsection 143.057(j) of the Texas Local Government Code. I also acknowledge that I have been informed that my right to appeal the decision of a hearing examiner/arbitrator to district court pursuant to section 143.057 of the Texas Local Government Code may have been modified by the provisions of article 28 of the current Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association. I further acknowledge that in light of my entry into this Agreed Suspension, I shall have no right to appeal said suspension nor will any administrative or judicial

body have power to review same or alter its terms. I do hereby waive any and all rights to appeal said suspension and no administrative or judicial body shall have power to review same or alter its terms.

CW 565 023  
OFFICER CONCHITA I. ESPINOSA, #0203  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Karen M. Falke TIME: 0611 DATE: 10/13/16  
Bob O'Ballero TIME: 0611 DATE: 10-13-16

FILED on this the 14<sup>th</sup> day of Oct. 14<sup>th</sup>, 2016, with the Fire  
Fighters' and Police Officers' Civil Service Commission.

Yvette Ramirez for  
DIRECTOR, FIRE FIGHTERS' AND POLICE  
OFFICERS' CIVIL SERVICE COMMISSION

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