

Sergeant David M. Perry, #3158
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISOR'S OFFICE
RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPARTMENT
FEB 01 2017
SAN ANTONIO POLICE DEPARTMENT
2017 FEB -3 PM 1:38

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

AGREED SUSPENSION

Gentlemen and Sergeant David M. Perry:

WHEREAS, Sergeant David M. Perry, pursuant to Article XXVII, 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 November 7, 2016, with a one-day contemplated suspension; and

WHEREAS, pursuant to said contract, Sergeant Perry was given an opportunity to rebut those charges being brought against him to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Sergeant Perry; and

WHEREAS, Sergeant Perry 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 Sergeant Perry shall be suspended without pay from the San Antonio Police Department for a period of one day. The one-day suspension of Sergeant Perry shall be probated and he shall have to serve the suspension if he is involved in another negligent accident within twelve months of August 27, 2016. Sergeant Perry 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.

Sergeant Perry 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 Sergeant Perry 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 Sergeant Perry has violated are as follows:

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 August 27, 2016, at approximately 6:50 p.m., while on duty and operating a city-owned vehicle in the 13000 block of IH-10W, Sergeant David M. Perry negligently struck two poles.

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The level of this suspension is based upon Sergeant Perry's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.16 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
WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

01/18/17
DATE

DAVID M. PERRY
SERGEANT DAVID M. PERRY, #3158
SAN ANTONIO POLICE DEPARTMENT

1/31/17 1334
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.

DAVID M. PERRY
SERGEANT DAVID M. PERRY, #3158
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Jan 3043 TIME: 1334
Jan 3043 TIME: 1335

DATE: 01/31/17
DATE: 01/31/17

FILED on this the 3rd day of Feb., 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

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