

LEGAL ADVISOR CFC  
APR 0 9 2014  
CITY ATTORNEY'S OFFICE  
SAN ANTONIO, TEXAS

Officer Bany A. Rolo, #0056  
San Antonio Police Department  
San Antonio, Texas

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

### AGREED SUSPENSION

Gentlemen and Officer Bany A. Rolo:

**WHEREAS**, Officer Bany A. Rolo, 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 March 12, 2014, with a one-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Officer Rolo 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 Rolo; and

**WHEREAS**, Officer Rolo 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 Rolo shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on April 18, 2014, and ending on April 18, 2014. Should Officer Rolo not be involved in a chargeable traffic accident in the year following March 26, 2014, upon application by Officer Rolo and approval by the Chief of Police, this suspension shall be reduced to a written reprimand, and one day's pay and benefits will be returned to Officer Rolo. Officer Rolo 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 Rolo 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 Rolo and grounds for suspension are as follows:

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

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The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Rolo 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.

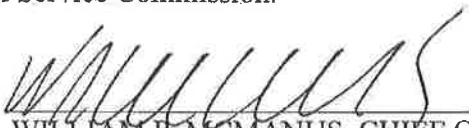
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The factual basis for the instant disciplinary suspension is as follows:

On or about December 6, 2013, at approximately 5:43 a.m., while on duty and operating a city-owned vehicle at the intersection of S.W. Military Drive and S. IH 35, Officer Bany A. Rolo negligently struck a vehicle.

The level of this suspension is based upon Officer Rolo'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:  MAR 31 2014  
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE  
SAN ANTONIO POLICE DEPARTMENT

 #056 4-1-14, 2014 17:12  
OFFICER BANY A. ROLO, #0056 DATE TIME  
SAN ANTONIO POLICE DEPARTMENT

On this 1<sup>ST</sup> day of Apr. '1, 2014, 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.

Bany A. Rolo #056  
OFFICER BANY A. ROLO, #0056  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

R. V. #4020

TIME: 1711

DATE: 04.01.14

Roy Mallas #3112

TIME: 1711

DATE: 4-1-14

FILED on this the 3rd day of April, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

for Frank E. ...  
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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