

Officer Benjamin A. Garcia, #0299
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISOR OFC.
JUN 12 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

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

AGREED SUSPENSION

Gentlemen and Officer Benjamin A. Garcia:

WHEREAS, Officer Benjamin A. Garcia, 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 May 9, 2014, with a one-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Garcia 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 Officer Garcia; and

WHEREAS, Officer Garcia 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 Garcia shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on June 24, 2014, and ending on June 24, 2014. Should Officer Garcia not be involved in a chargeable traffic accident in the year following the issuance of this agreed suspension, upon application by Officer Garcia within two weeks of such date, 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 Garcia. Officer Garcia 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 Garcia 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 Garcia and grounds for suspension are as follows:

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

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2014 JUN 13 AM 11:17

The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Garcia 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 March 25, 2014, at approximately 11:40 p.m., while on duty and operating a city-owned vehicle in the 8900 block of Wurzbach Road, Officer Benjamin A. Garcia negligently struck a dumpster.

The level of this suspension is based upon Officer Garcia'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: WILLIAMS JUN 09 2014
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
SAN ANTONIO POLICE DEPARTMENT

[Signature] 6.11.2014 2332
OFFICER BENJAMIN A. GARCIA, #0299 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

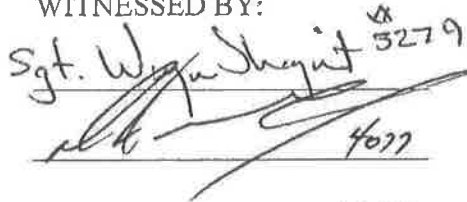

On this _____ day of _____, 2014, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of the instant suspension during which to file a written appeal of this suspension with the Personnel 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

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2014 JUN 13 AM 11:17

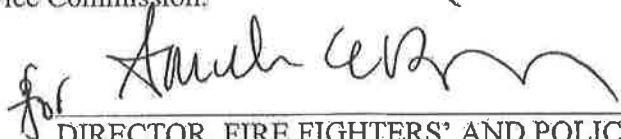
its terms. I do hereby waive any and all rights to appeal said suspension and no administrative or judicial body shall have power to review same or alter its terms.


OFFICER BENJAMIN A. GARCIA, #0299
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Sgt.  #3279 TIME: 2333 DATE: 6/11/14
 #4077 TIME: 2333 DATE: 6/11/14

FILED on this the 13th day of June, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT.
2014 JUN 13 AM 11:17