

Officer Andrew Guelich, #0857
San Antonio Police Department
San Antonio, Texas

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

2014 JAN 29 AM 10:56

LEGAL ADVISOR CFC
JAN 28 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 Andrew Guelich:

WHEREAS, Officer Andrew Guelich, 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 January 13, 2014, with a one-day contemplated suspension; and

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

WHEREAS, Officer Guelich and his captain, Anthony Maziek, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Guelich shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on February 8, 2014, and ending on February 8, 2014. Officer Guelich 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 Guelich 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 Guelich 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 Guelich has violated are as follows:

RULE 4.04 REPORTING FOR DUTY: Members, unless otherwise directed, shall report for duty or present themselves at the time and place specified by proper authority. They shall be properly uniformed, or dressed, and equipped.

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

On December 18, 2013, Officer Andrew Guelich was asked by Sergeant Jimmy Willingham to do a function check on his COBAN. Officer Guelich advised Sergeant Willingham that he did not have his microphone. During the rest of the conversation, Officer Guelich advised him it was somewhere at his residence. On Officer Guelich's

report (200-OR), he stated he temporarily misplaced his COBAN microphone. The last date which showed that he used his microphone was on July 13, 2013.

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
WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

JAN 22 2014
DATE

AGH #857
OFFICER ANDREW GUELICH, #0857
SAN ANTONIO POLICE DEPARTMENT

1/22, 2014 1733
DATE TIME

On this 22 day of January, 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.

AGH #857
OFFICER ANDREW GUELICH, #0857
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] #3350 TIME: 1733 HRS.
[Signature] #3280 TIME: 1733 HRS.

DATE: 1/22/14
DATE: 1/22/14

FILED on this the 29 day of January, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

2014 JAN 29 AM 10:56
RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT 1