

Detective Seferino Alvarado, Jr., #2285  
San Antonio Police Department  
San Antonio, Texas

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

LEGAL ADMINISTRATIVE  
JAN 30 2014  
CITY ATTORNEY  
SAN ANTONIO, TEXAS

### AGREED SUSPENSION

Gentlemen and Detective Seferino Alvarado, Jr.:

**WHEREAS**, Detective Seferino Alvarado, Jr., 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 16, 2014, with a nine-day contemplated suspension; and

**WHEREAS**, pursuant to said contract, Detective Alvarado 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 Detective Alvarado; and

**WHEREAS**, Detective Alvarado and Chief McManus have agreed to reduce the discipline in this matter to a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Alvarado shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on February 19, 2014, and ending on February 21, 2014. Detective Alvarado 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.

Detective Alvarado 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 Detective Alvarado 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 Detective Alvarado has violated are as follows:

**RULE 4.02 - ALERTNESS REQUIRED OF MEMBERS:** Members shall at all times be attentive to their duties and by their alertness and observation, and demonstrate their interest in their work.

**PROCEDURE 905 - OFF-DUTY AND OUTSIDE EMPLOYMENT**  
(.05) **OUTSIDE EMPLOYMENT (D) Employment Permit** (1) Officers who wish to engage in outside employment must first submit, in duplicate, SAPD Form #14-A, *Employment Permit*. This form may be accessed in the forms library. Forward all permits through the chain-of command to the Office of the Chief. These forms may not be altered in any form or fashion. Altered forms will not be accepted. (a) Each supervisory officer shall determine if the outside employment is

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permissible prior to approving the permit. Limitations or restrictions to the employment may be imposed by making a notation on the permit. (b) Permits that have been denied are returned to the officer along with a memo outlining the reason for the denial. (H) Restrictions on Outside Employment (1) The following restrictions limit the number of hours an officer may work outside employment: (a) In any seven (7) day period in which the officer performs forty (40) hours of regular duty, outside employment does not exceed twenty-four (24) hours.

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

1. On or about August 18, 2013, Detective Seferino Alvarado, Jr. was on duty and working a shift which began at 7:00 p.m. on August 17, 2013 and ended on August 18, 2013 at 5:00 a.m. During that shift at about 2:45 a.m., Sergeant David Pruitt observed Detective Alvarado sound asleep at his desk in a reclined position in his work chair.
2. On or about August 17, 2013, Detective Seferino Alvarado, Jr. worked an off-duty job at the Grand Hyatt Hotel located at 600 E. Market Street. When he worked that job, Detective Alvarado did not possess an SAPD *Employment Permit* to work there off duty.
3. During the week from August 11 through August 17, 2013, Detective Seferino Alvarado, Jr. exceeded the permitted 24 hours of outside employment by working a total of 35 hours of off-duty jobs at Acme Auto Parts and Salvage and the Grand Hyatt Hotel in a seven-day period (during which he worked 40 hours for SAPD).
4. During his work days of August 14, 2013 and August 15, 2013, Detective Seferino Alvarado, Jr. worked his normal shift each day, and then exceeded the outside employment limit of 8 hours of off-duty work in any 24-hour period during which an officer has worked his normal on-duty shift. On the days in question, Detective Alvarado worked from 8:00 a.m. until 5:30 p.m. off-duty at Acme Auto Parts and Salvage and then reported for his regular on-duty shift.

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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

JAN 29 2014

DATE

  
DETECTIVE SEFERINO ALVARADO, JR., #2285  
SAN ANTONIO POLICE DEPARTMENT

1-29, 2014 1915  
DATE TIME

On this 29<sup>th</sup> 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 this 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.

S. ALV  
DETECTIVE SEFERINO ALVARADO, JR., #2285  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Sgt. [Signature] TIME: 1915 DATE: 01/29/14  
Anthony Carlo #4011 TIME: 1918 DATE: 1/29/14

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

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

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