

Officer Jaime T. Flores, #1492
San Antonio Police Department
San Antonio, Texas

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HUMAN RESOURCES DEPT
2015 MAR 17 AM 11:19

LEGAL ADVISOR CFC,
MAR 18 2015
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

Commissioners and Officer Jaime T. Flores:

WHEREAS, Officer Jaime T. Flores, 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 February 6, 2015, with a three-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Flores was given an opportunity to rebut those charges being brought against him to Police Chief Anthony L. Treviño, Jr.; and

WHEREAS, said opportunity was exercised by Officer Flores; and

WHEREAS, Officer Flores and Chief Treviño have agreed to reduce the discipline in this matter to a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Flores shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on March 26, 2015, and ending on March 26, 2015. Officer Flores 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 Flores 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 Flores 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 Flores has violated are as follows:

RULE 3.28 - RESPONSIBILITY TO KNOW LAWS AND PROCEDURES: (A) LAWS AND ORDINANCES: Members shall learn and thoroughly understand the laws and ordinances which they are charged with enforcing. (B) WRITTEN DIRECTIVES: Members shall familiarize themselves with all written directives which are published by the department and which affect their assignment. (C) PENALTY FOR VIOLATIONS: Violation of any lawfully adopted departmental rule or regulation by any department employee who is subject to same shall be sufficient cause for suspension or termination in accordance with applicable law and Fire and Police Civil Service Commission procedure, irrespective of whether the rule or regulation is part of the originally promulgated rules and regulations, or is contained in a subsequent general or special order, directive, or other amendment to the rules. (D) LACK OF KNOWLEDGE: Lack of knowledge of such rules or regulations shall never be a defense to any disciplinary action if said rules or regulations have been disseminated or posted as set forth in the regulations and if the employee has had a reasonable opportunity to become familiar with the rules and regulations.

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

On or about September 20, 2014, at about 7:15 p.m., Officer Jaime T. Flores was dispatched to the Walmart store located at 8535 IH 35 South for a report of shoplifting. During the shoplifting investigation, Officer Flores arrested a Walmart loss prevention employee, Michael Alfaro, for the violation of Penal Code 38.02—Failure to Identify. The arrest of Mr. Alfaro was improper and did not meet the elements of the offense, resulting in Mr. Alfaro being handcuffed and held in the back of a patrol car until a supervisor arrived at the scene and ordered his release.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY:


ANTHONY L. TREVIÑO, JR.
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

3/12/15
DATE


OFFICER JAIME T. FLORES, #1492
SAN ANTONIO POLICE DEPARTMENT

03/12, 2015 1735
DATE TIME

On this 12 day of March, 2015, 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.


OFFICER JAIME T. FLORES, #1492
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Sgt. Roy Miller #3112 TIME: 1735 DATE: 3-12-15
J. Valdez #3249 TIME: 1735 DATE: 03-12-15

FILED on this the 17 day of March, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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REC'D
CIVIL SERVICE
COMMISSION
MAR 17 2015