

Officer Javier A. Perales, Jr., #1489
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

Commissioners and Officer Javier A. Perales, Jr.:

WHEREAS, Officer Javier A. Perales, 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 February 28, 2015, with a three-day contemplated suspension; and

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

WHEREAS, Officer Perales and his captain, Gus Guzman, have agreed and Chief Treviño has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Perales shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on March 27, 2015, and ending on March 29, 2015. Officer Perales 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 Perales 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 Perales 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 Perales has violated are as follows:

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RULE 3.23 - RESTRICTIONS ON ACTIVITIES WHILE SICK, INJURED, OR ON LIMITED DUTY (A) REMAIN AT RESIDENCE: Members, while on sick or injury leave, shall remain at their place of residence unless it is necessary for them to go to a doctor, hospital, or pharmacy. If for medical reasons it should be necessary for a sick or injured member to stay at some location other than his residence, he notifies his supervisor who shall ensure the new temporary address is made a matter of record.

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

On or about January 23, 2015, Lieutenant G. Villarreal was advised that Officer Javier A. Perales, Jr. had been seen at an event called "Stroll on Houston Street." Officer Perales was seen at that event on or about January 17, 2015 between 6:00 p.m. and 10:00 p.m. On that date, Officer Perales had been carried as out on Sick Leave.

On or about February 20, 2015, Officer Perales was asked to submit a report about the event on January 17, 2015. In his report, Officer Perales admitted to being at a festival downtown on January 17, 2015 while out on sick leave. He stated that he was not "suffering from a physical injury" and that his doctors had advised him that spending too much time at home would be "counterproductive to his recovery." In his report, Officer Perales did not state that he notified a supervisor that he would not be home on January 17, 2015.

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

AGREED TO BY: *A. Treviño* 3/6/15
ANTHONY L. TREVIÑO, JR. DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

J. Perales 3/8 2015 0121krs
OFFICER JAVIER A. PERALES, JR., #1489 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 0 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 the instant suspension during which to file a written

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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.

J. Perales #1489
OFFICER JAVIER A. PERALES, JR., #1489
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

John M. Kelly 3227 TIME: 1:20 DATE: 3/8/15
John W. Stone 3298 TIME: 1:20 DATE: 3/8/15

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

Alice D. Ramirez
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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