

Officer Jose E. Portillo, #1174
San Antonio Police Department
San Antonio, Texas

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2015 FEB 26 AM 11:59

LEGAL ADVISOR, CFC
FEB 25 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 Jose E. Portillo:

WHEREAS, Officer Jose E. Portillo, 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 10, 2015, with a one-day contemplated suspension; and

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

WHEREAS, Officer Portillo and his captain, Gus Guzman, have agreed and Chief Treviño 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 Portillo shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on March 14, 2015, and ending on March 14, 2015. Officer Portillo 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 Portillo 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 Portillo 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 Portillo has violated are as follows:

RULE 3.03 - OBEY LAWFUL ORDERS: Members shall obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the police dispatcher. Such obedience shall be prompt and willing. (A) INSUBORDINATION: Defying the authority of any supervisory officer by obvious disrespect, disputing his orders, or failure or deliberate refusal to obey any lawful order given by him shall be deemed insubordination.

RULE 3.06 - RELATIONSHIPS WITH CO-WORKERS: Members shall conduct themselves in such a manner so as to bring about the greatest harmony and cooperation among the various units of the department. (C) RESPECT TO SUPERVISORY OFFICERS: Members shall exhibit respect for supervisory officers at all times.


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

On or about December 30, 2014, Sergeant A. Hernandez sent a text message to Officer Jose E. Portillo advising him to bring a doctor's note upon his return to work. Officer Portillo returned to work on January 3, 2015, directly disregarding his supervisor's order by not bringing a doctor's note.

On or about December 30, 2014, in a series of text messages between Officer Portillo and Sergeant A. Hernandez, Officer Portillo failed to show the proper respect towards his supervisor.

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

2/19/15
DATE


OFFICER JOSE E. PORTILLO, #1174
SAN ANTONIO POLICE DEPARTMENT

2-21-15, 2015 1710
DATE TIME



On this 21 day of Feb, 2015, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I

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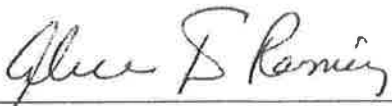
have fifteen days from the date of receipt of the instant suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San Antonio requesting either arbitration or the hearing of my appeal by the Fire Fighters' and Police Officers' Civil Service Commission. 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.


OFFICER JOSE E. PORTILLO, #1174
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 3227 TIME: 1710 DATE: 2-21-15
 TIME: 1711 DATE: 02-21-15

FILED on this the 26 day of February, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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