

NOTICE OF FIVE-DAY SUSPENSION WITHOUT PAY

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Engineer Dereck Hillyer  
San Antonio Fire Department  
315 S. Santa Rosa  
San Antonio, Texas 78207

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

Commissioners and Engineer Dereck Hillyer:

Under and by the virtue of the authority vested in me by Chapter 143, Municipal Civil Service, Subtitle A, Title 5, V.T.C.A. Local Government Code, I do hereby suspend Engineer Dereck Hillyer from the San Antonio Fire Department without pay for a period of five days. Said suspension shall be served on consecutive calendar days beginning on the 8 day of February, 2016.

Engineer Hillyer has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters and Police Officers Civil Service Commission Rules which were adopted on February 23, 1998, by the Fire and Police 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 Engineer Hillyer and which are grounds for suspension are as follows:

Rule XIII, Subsection C(12): Violation of an applicable fire or police department rule, or special order.

The Rules and Regulations of the San Antonio Fire Department which Engineer Hillyer has violated were those approved by the Firemen's and Policemen's Civil Service Commission on February 10, 2003, to be effective March 7, 2003. The particular rules thereof which Engineer Hillyer has violated are as follows:

Rule 3.01 - CONDUCT AND BEHAVIOR: Members, whether on-duty or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the Department.

Rule 3.02 - 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.

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Rule 3.03 - MUTUAL RESPECT: Members shall treat other Members with respect, affording them the response due them as co-workers.

Rule 3.04 - COURTESY: Members shall be courteous, civil, and respectful to their supervisory officers and associates, and shall not use threatening or insulting language, whether on or off-duty.

Rule 3.05 - RESPECT FOR SUPERVISORY OFFICERS: Members shall exhibit respect for supervisory officers at all times.

Rule 3.08 - WORKING RELATIONSHIPS: Members shall abstain from performing any acts or making any statements, oral or written, which are directed at their coworkers that may tend to destroy the morale, good order, and working relationships with such coworkers.

Rule 4.01 - INSUBORDINATION: Members shall not engage in acts of 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.

The acts committed by Engineer Hillyer which violated the aforementioned Civil Service Rules and Fire Department Rules are as follows:

On or about August 12, 2015, at approximately 9:00 a.m., while in the parking lot of Fire Station 9, after being told by Battalion Chief Connie Hall that she had decided that he would have to transfer out of the position of BC6 ICT, Engineer Dereck Hillyer was disrespectful to her. When Battalion Chief Hall got into her car, attempting to leave, Engineer Hillyer held the car door open, intentionally preventing her from leaving. Engineer Hillyer became hostile and aggressive, and he yelled at Battalion Chief Hall. Engineer Hillyer told her that he would not transfer out of his position, and then Engineer Hillyer threatened her, saying, "You'll fucking leave before I do!" This incident was witnessed by Captain Gabriel Ortega.

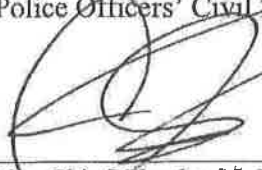
On or about August 29, 2015, Battalion Chief Connie Hall instructed Engineer Dereck Hillyer to contact District Chief Danny Gonzalez on August 31, 2015, to discuss his transfer

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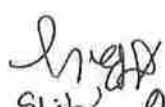
out of the position of BC6 ICT. Engineer Hillyer did not contact District Chief Gonzalez on August 31, 2015, failing to abide by Battalion Chief Hall's instruction. Engineer Hillyer did not contact District Chief Gonzalez until he was confronted about his failure to do so by Battalion Chief Hall and Captain Gabriel Ortega.

Engineer Hillyer's violation of the cited rules is the basis for these charges and the reason for his five-day suspension without pay.

An original of this disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

  
\_\_\_\_\_  
Fire Chief Charles N. Hood

1/26/16      1045  
Date                      Time

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**NOTICE OF RIGHT OF APPEAL**

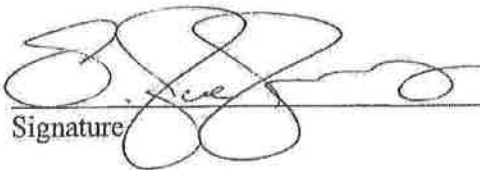
I hereby acknowledge receipt of a copy of the foregoing five-day suspension without pay and further acknowledge that I have been notified that I have ten days to file a written appeal of this suspension with the Fire Fighters' and Police Officers' Civil Service Commission for hearing before the Commission or an independent third party hearing examiner. I also understand that if I appeal to the hearing examiner, I waive all rights of appeal to a District Court, except as provided by subsection (j) of Section 143.057 of Title 5, V.T.C.A. Local Government Code.

  
Engineer Dereck Hillyer

26 Jan 16  
Date

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Time


WITNESSED BY:

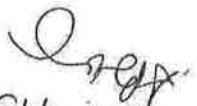
  
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26 January 2016  
Date

1045  
Time

FILED on this the 26<sup>th</sup> day of January, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

  
Director, Fire Fighters' and Police Officers' Civil Service Commission

  
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