

RECEIVED
CITY OF SAN ANTONIO
NOTICE OF INDEFINITE SUSPENSION WITHOUT PAY SOURCES DEPT

2016 OCT . 7 PM 3: 23

Fire Engineer Rene Guerra
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 Fire Engineer Rene Guerra:

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 Fire Engineer Rene Guerra from the San Antonio Fire Department without pay for an indefinite period, beginning on the 6 day of October, 2016.

Fire Engineer Guerra 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 Fire Engineer Guerra 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 Fire Engineer Guerra 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 Fire Engineer Guerra has violated are as follows:

RULE 4.02 - TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any Member shall also reflect the truth.

RULE 6.04 - REPORTING FOR DUTY: Members, unless otherwise directed, shall report for duty or present themselves at the time and place specified by proper authority. They shall be properly uniformed, or dressed, and equipped.

RULE 6.09 - ABSENCE OR TARDINESS: Absence at anytime during the shift (or work day) or tardiness without proper notification and permission shall be considered absence without leave (A.W.O.L) and the offender shall be penalized accordingly. Absence at the beginning of the duty shift (or work day) with proper notification shall be considered an incident of tardiness and the offender may be subject to counseling, reprimand or disciplinary action as deemed appropriate to the circumstances associated with the incident.

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

RULE 10.02 - FEIGNING ILLNESS OR INJURY: No Member shall feign illness or injury.

2016 OCT . 7 PM 3: 23

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

On or about April 17, 2016, at 0700 hours, Fire Engineer Rene Guerra failed to report to duty as a Paramedic on Medic 45 on the D shift. Fire Engineer Guerra failed to call in and report he would not be reporting for work, and failed to arrange for another paramedic to cover his shift. After a message was left for him by the Medical Shift Commander (MSC) at or about 0700 hours, Fire Engineer Guerra returned the MSC's call at approximately 0730 hours. With regard to his absence, Fire Engineer Guerra told EMS Executive Officer Captain Jesse Renteria that he had forgotten to call in sick. He then requested to be placed on sick leave. Actually, Fire Engineer Guerra was untruthful when he claimed to have been sick on the day of his absence, as the investigation concluded that he had in fact attempted to have another paramedic cover his shift prior to his absence. He later admitted he had travelled out of state to attend a wedding in Los Angeles, California, and was not able to get back in time to report for duty.

Fire Engineer Guerra's violation of the cited rules is the basis for these charges and the reason for his indefinite 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

10/6/16
Date

2015
Time

NOTICE OF RIGHT OF APPEAL

I hereby acknowledge receipt of a copy of the foregoing indefinite 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.

Rene Guerra
Fire Engineer Rene Guerra

10.06.16
Date

2015 hrs
Time

WITNESSED BY:

Michael S. [Signature]
Signature

10-6-17
Date

20:15
Time

FILED on this the 7th day of Oct., 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

Yvette Rang for
Director, Fire Fighters' and Police
Officers' Civil Service Commission

RECEIVED
OFFICE OF SAN ANTONIO
HUMAN RESOURCES DEPT.
2016 OCT . 7 PM 3:23

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

RELEASE AND SETTLEMENT AGREEMENT

2016 OCT . 7 PM 3: 24

WHEREAS, Fire Engineer Rene Guerra was issued an indefinite suspension on 10-6-16, 2016, by Fire Chief Charles N. Hood for violations of civil service rules and regulations of the San Antonio Fire Department as stated in the notice of suspension; and

WHEREAS, Fire Engineer Guerra has the right to appeal, but has not yet appealed, said suspension to the San Antonio Firefighters' and Police Officers' Civil Service Commission or a third-party arbitrator; and

WHEREAS, Chief Hood and Fire Engineer Guerra have agreed to settle this disciplinary matter;
NOW THEREFORE:

FOR AND IN CONSIDERATION OF THE AGREEMENTS CONTAINED HEREIN:

SECTION 1. That section of the aforementioned indefinite suspension issued to Fire Engineer Guerra that sets out the rules of the San Antonio Fire Department that he violated is hereby amended to provide that only the following rules have been violated by Fire Engineer Guerra:

RULE 6.04 - REPORTING FOR DUTY: Members, unless otherwise directed, shall report for duty or present themselves at the time and place specified by proper authority. They shall be properly uniformed, or dressed, and equipped.

RULE 6.09 - ABSENCE OR TARDINESS: Absence at anytime during the shift (or work day) or tardiness without proper notification and permission shall be considered absence without leave (A.W.O.L) and the offender shall be penalized accordingly. Absence at the beginning of the duty shift (or work day) with proper notification shall be considered an incident of tardiness and the offender may be subject to counseling, reprimand or disciplinary action as deemed appropriate to the circumstances associated with the incident.

SECTION 2. That section of the aforementioned indefinite suspension issued to Fire Engineer Guerra that sets out the acts committed by Fire Engineer Guerra is hereby amended to provide that the acts committed by Fire Engineer Guerra are as follows:

On or about April 17, 2016, at 0700 hours, Fire Engineer Rene Guerra failed to report to duty as a Paramedic on Medic 45 on the D shift. Fire Engineer Guerra failed to call in and report he would not be reporting for work, and failed to arrange for another paramedic to cover his shift.

SECTION 3. Fire Engineer Guerra admits that he violated the rules of the Fire Fighters' and Police Officers' Civil Service Commission and of the San Antonio Fire Department set out in the aforementioned notice of indefinite suspension, as amended, and admits to the truth of the facts stated in the factual basis in said notice of indefinite suspension, as amended.

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

SECTION 4. The aforementioned indefinite suspension without pay of Fire Engineer Guerra is hereby reduced to an eight-day suspension without pay beginning OCT 8 10 2016, 2016.

SECTION 5. IT IS FURTHER AGREED AND UNDERSTOOD THAT BY EXECUTION OF THIS AGREEMENT, FIRE ENGINEER GUERRA DOES HEREBY RELINQUISH AND WAIVE ANY RIGHT TO APPEAL SAID SUSPENSION TO THE FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION, A THIRD-PARTY ARBITRATOR, THE DISTRICT COURT, OR ANY OTHER COURT HAVING COMPETENT JURISDICTION AND THAT THIS AGREEMENT IS INTENDED TO BE A FULL AND FINAL SETTLEMENT OF ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, WHETHER KNOWN OR UNKNOWN, WHETHER ASSERTED OR NOT HAVING YET BEEN ASSERTED, ARISING OUT OF THE AFORESAID SUSPENSION.

SECTION 6. FIRE ENGINEER GUERRA, FOR HIMSELF, HIS HEIRS, EXECUTORS, AND ASSIGNS, DOES HEREBY RELEASE, DISCHARGE, AND ACQUIT THE CITY OF SAN ANTONIO, TEXAS, ITS SUCCESSORS, ASSIGNS, OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES, AND CHARLES N. HOOD, HIS HEIRS, EXECUTORS, ASSIGNS, AGENTS, SERVANTS, AND EMPLOYEES, FROM ANY AND ALL ACTIONS, CAUSES OF ACTION, INCLUDING THOSE ARISING OUT OF CHAPTER 554 OF THE TEXAS GOVERNMENT CODE, CLAIMS, OR DEMANDS FOR DAMAGES, COSTS, EXPENSES, COMPENSATION, OR CONSEQUENTIAL DAMAGES, KNOWN OR UNKNOWN, ASSERTED OR NOT, ARISING OUT OF THE AFORESAID SUSPENSION.

SECTION 7. Should there be any contention, now or in the future, that the terms of this agreement conflict with or are inconsistent with those of the Collective Bargaining Agreement between the City of San Antonio and Local 624 International Association of Fire Fighters, which was executed on June 27, 2011, Fire Engineer Guerra agrees that the provisions of this agreement prevail.

SECTION 8. Fire Engineer Guerra acknowledges that he has been given an opportunity to review this agreement with the International Association of Fire Fighters, Local 624, and his attorney or other representative. Fire Engineer Guerra acknowledges that he has carefully read this Release and Settlement Agreement, he knows and understands the contents of the agreement, and he is satisfied with the contents of the agreement.

EXECUTED IN DUPLICATE ORIGINALS on 10.06.2016, 2016.



RENE GUERRA
FIRE ENGINEER



CHARLES N. HOOD
FIRE CHIEF

YR