

NOTICE OF INDEFINITE SUSPENSION WITHOUT PAY

Firefighter Albert R. Salazar  
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 Firefighter Albert R. Salazar:

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 Firefighter Albert R. Salazar from the San Antonio Fire Department without pay for an indefinite period, beginning on the 27 day of January, 2016.

Firefighter Salazar 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 Firefighter Salazar 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 Firefighter Salazar 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 Firefighter Salazar 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 4.07 -- NEGATIVE PUBLIC IMAGE: Members shall not engage in any activity tending to create a negative public perception of the Fire Department.

Rule 4.09 -- USE OF INTOXICANTS: (B) INTOXICATION: Members shall not at any time be

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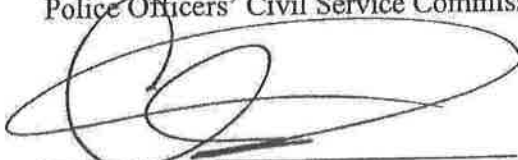
intoxicated while on-duty. No Member shall report for duty exhibiting the odor of intoxicants, or any of the elements, effects, behavior or appearance of intoxication. Members shall not, under any circumstances, be intoxicated while in public to the extent that may damage the reputation of the Department.

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

On or about November 17, 2015, at approximately 2:47 p.m., while off duty and operating a motor vehicle in Cibolo, Texas, in the 300 block of Cordero Drive, Firefighter Albert R. Salazar was intoxicated. Firefighter Salazar had been found with an open container of hard liquor in his vehicle, and admitted to consuming alcoholic beverages and operating a motor vehicle. Firefighter Salazar was arrested and charged with DWI. Firefighter Salazar's actions tended to bring reproach upon himself and the SAFD.

Firefighter Salazar'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

1/27/16  
Date

1445  
Time

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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.

Albert R. Salazar  
Firefighter Albert R. Salazar

1-27-16  
Date

14:45  
Time

WITNESSED BY:

[Signature]  
Signature

27 January 2016  
Date

1445  
Time

FILED on this the 28th day of January, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]  
Director, Fire Fighters' and Police Officers' Civil Service Commission

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**RELEASE AND SETTLEMENT AGREEMENT**

**WHEREAS**, Firefighter Albert R. Salazar was issued an indefinite suspension on January 27, 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**, Firefighter Salazar 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 Firefighter Salazar have agreed to settle this disciplinary matter;  
**NOW THEREFORE:**

**FOR AND IN CONSIDERATION OF THE AGREEMENTS CONTAINED HEREIN**

**SECTION 1.** Firefighter Salazar 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 notice of indefinite suspension issued on January 27, 2016, and admits to the truth of the facts stated in the factual basis in said notice of indefinite suspension.

**SECTION 2.** The aforementioned indefinite suspension without pay of Firefighter Salazar is hereby reduced to a sixty-day suspension without pay beginning on January 28, 2016.

**SECTION 3.** [REDACTED]

**SECTION 4.** [REDACTED]

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**SECTION 5.** Any arrest in any jurisdiction of Firefighter Salazar for driving while intoxicated after the execution of this agreement shall constitute the resignation of Firefighter Salazar from the San Antonio Fire Department and employment with the City of San Antonio.

**SECTION 6.** In addition to the notice requirements of Sections 3 and 4 of this agreement, Firefighter Salazar shall, on the tenth day of each month following the execution of this agreement, notify the Fire Chief, in writing, of the status of his efforts to comply with the requirements of Sections 3 and 4. This requirement shall remain in effect until such time as Firefighter Salazar has fully complied with the requirements of Sections 3 and 4. Firefighter Salazar agrees to the imposition of a five-day suspension without pay for any instance in which he fails to comply with this section. Firefighter Salazar waives his right to appeal the imposition of discipline issued pursuant to this section and agrees that he will not file an appeal of any disciplinary action so taken.

**SECTION 7.** On or about November 17, 2015, Firefighter Salazar was arrested in Guadalupe County for the offense of DWI. Firefighter Salazar shall provide written notice to the Fire Chief of any hearing or proceeding, and the outcome of the hearing or proceeding, conducted in connection with the aforementioned criminal incident. Said notification must be provided within 10 business days after the hearing or proceeding. Additionally, Firefighter Salazar shall provide written notice to the Fire Chief of any resolution, and the nature of the resolution, of any criminal prosecution pursued against him in connection with the aforementioned incident. Said notification must be provided within 10 business days after the resolution of the criminal prosecution. Firefighter Salazar agrees to the imposition of a five-day suspension without pay for any instance in which he fails to comply with this section. Firefighter Salazar waives his right to appeal the imposition of discipline issued pursuant to this section and agrees that he will not file an appeal of any disciplinary action so taken.

**SECTION 8. IT IS FURTHER AGREED AND UNDERSTOOD THAT BY EXECUTION OF THIS AGREEMENT, FIREFIGHTER SALAZAR 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 9. FIREFIGHTER SALAZAR, 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**

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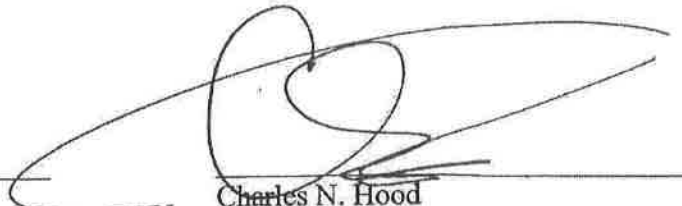
AND ALL ACTIONS, CAUSES OF ACTION, INCLUDING THOSE ARISING OUT OF CHAPTER 554 OF THE TEXAS GOVERNMENT CODE, CLAIMS, OR DEMANDS FOR DAMAGES, COSTS, EXPENSES, COMPENSATION, OR CONSEQUENTIAL DAMAGES, KNOWN OR UNKNOWN, ASSERTED OR NOT, ARISING OUT OF THE AFORESAID SUSPENSION.

SECTION 10. 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, Firefighter Salazar agrees that the provisions of this agreement prevail.

SECTION 11. Firefighter Salazar 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. Firefighter Salazar 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 January 27, 2016.

  
Albert R. Salazar  
Firefighter

  
Charles N. Hood  
Fire Chief

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