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CITY OF SAN ANTONIO
NOTICE OF AGREED THREE-DAY SUSPENSION WITHOUT PAY

2016 JUL 22 PM 1:58

Firefighter Felix Silva
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 Felix Silva:

WHEREAS, Firefighter Felix Silva was served a Notice of Proposed Five-Day Suspension Without Pay on June 2, 2016; and

WHEREAS, Firefighter Silva was given an opportunity to respond to said proposed suspension and met with Fire Chief Charles N. Hood, and it was agreed that said suspension should be reduced to a three-day suspension without pay; and

WHEREAS, Firefighter Silva acknowledges that, because he is entering into an agreed suspension, he relinquishes all rights to appeal his suspension to any administrative or judicial body; ACCORDINGLY,

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, on this the 22 day of July, 2016, I do hereby suspend Firefighter Silva from the San Antonio Fire Department without pay for a period of three days. Said suspension shall be served on consecutive calendar days beginning on the 3 day of August, 2016.

Firefighter Silva 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 Silva 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 Silva 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 Silva has violated are as follows:

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Rule

2.02 ABIDE BY LAWS AND DEPARTMENTAL ORDERS:

B. ORDERS, RULES, REGULATIONS, DIRECTIVES, POLICIES AND PROCEDURES: Members shall abide by the Rules and Regulations, Departmental roles and responsibilities, administrative orders, directives, policies and procedures of the San Antonio Fire Department.

SECTION 10.00 INJURY LEAVE, ILLNESS, LIMITED DUTY & SUSPENSIONS

10.05 DOCUMENTATION OF DUTY RELATED INJURIES: Each time a Member is assessed by a physician for a duty-related injury, said Member shall provide to the Department proper documentation as specified by Department policy and/or procedure.

10.06 RESTRICTIONS ON ACTIVITIES WHILE SICK, INJURED, OR ON LIMITED DUTY:

D. REPORTING FOR DUTY WITH ILLNESS OR INJURY: Members shall not report to duty unless they are free from any illness, injury, or condition that would in any way impede their ability to perform the duties required of their position. Neither shall members remain on duty if they become ill or injured during a tour of duty to the extent that said injury or illness will impede their ability to perform the duties required of their position.

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

On or about February 18, 2016, while responding to an apartment fire, Firefighter Felix Silva suffered an injury and sought medical attention. Firefighter Silva's physician placed him on light duty from February 18 to February 22, 2016. Firefighter Silva failed to notify his chain of

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command of this work restriction and reported for regular duty on February 20, 2016.

Firefighter Silva's violation of the cited rules is the basis for these charges and the reason for his three-day suspension without pay.

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


Charles N. Hood, Fire Chief

7/22/16
Date

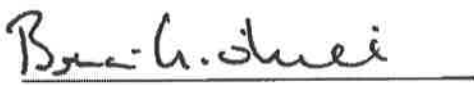
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Time


Firefighter Felix Silva

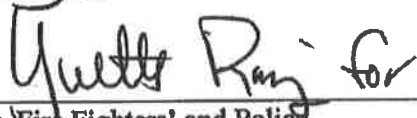
22 July 16.
Date

10:05.
Time

WITNESSED BY:


Signature

FILED on this the 22nd day of July, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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NOTICE OF RIGHT OF APPEAL

I hereby acknowledge receipt of a copy of the foregoing three-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.

Felix B. Silva
Firefighter Felix Silva

22 July. Ke. 10:05
Date Time

WITNESSED BY:

B. G. Ouel
Signature

7/22/16
Date

10:05 AM
Time

FILED on this the 22nd day of July, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.

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