

Officer Gilbert Guerra, #0685
San Antonio Police Department
San Antonio, Texas

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT

2015 NOV 23 PM 11:35

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

LEGAL ATTORNEY OFFICE
NOV 20 2015
CITY OF SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Gilbert Guerra:

WHEREAS, Officer Gilbert Guerra, pursuant to Article XXVIII, 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 October 30, 2015, with a three-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Guerra was given an opportunity to rebut those charges being brought against him to Police Chief William P. McManus; and

WHEREAS, said opportunity was exercised by Officer Guerra; and

WHEREAS, Officer Guerra and his captain, Shawn Ury, have agreed and Chief McManus has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Guerra shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on December 1, 2015, and ending on December 3, 2015. Officer Guerra 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 Guerra 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 Guerra 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 Guerra has violated are as follows:

PROCEDURE 512 – ELECTRONIC CONTROL DEVICES (.08) PRE-OPERATIONAL CHECK OF THE ECD (C) Accidental discharges will require supervisor notification. (1) The officer shall report the incident in writing through his chain of command, to his division commander. (2) A copy of the report shall be forwarded to the Internal Affairs Unit.

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

On or about September 8, 2015, Officer Gilbert Guerra negligently discharged his assigned taser. Officer Guerra had previously negligently

discharged his other taser cartridge, leaving him with no working taser cartridges. Officer Guerra failed to notify his supervisor of the discharges as required.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY: W.P. McManus
WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

NOV 16 2015
DATE

G. Guerra #685
OFFICER GILBERT GUERRA, #0685
SAN ANTONIO POLICE DEPARTMENT

11-17-15 2015 1900
DATE TIME

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

G. Guerra #685
OFFICER GILBERT GUERRA, #0685
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

B. [Signature] TIME: 1900
[Signature] TIME: 1900

DATE: 11-17-15
DATE: 11-17-15

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT.
2015 NOV 23 PM 11:35

FILED on this the 23 day of November, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.

Glenn B. Ramirez Jr
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION