

Officer Harold W. Thomaston, Jr., #0577
San Antonio Police Department
San Antonio, Texas

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

AGREED SUSPENSION

Commissioners and Officer Harold W. Thomaston, Jr.:

WHEREAS, Officer Harold W. Thomaston, Jr., 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 12, 2015, with a one-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Thomaston 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 Thomaston; and

WHEREAS, Officer Thomaston and his captain, Tracy Powers, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Thomaston shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on November 5, 2015, and ending on November 5, 2015. Officer Thomaston 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 Thomaston 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 Thomaston 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 Thomaston has violated are as follows:

CIVIL SERVICE COMMISSION
OCT 20 2015
CITY OF SAN ANTONIO'S OFFICE
SAN ANTONIO, TEXAS

2015 OCT 26 PM 1:41

RULE 4.04 - 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.

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

On or about September 17, 2015, Lieutenant Michael Schwab conducted roll call at approximately 6:00 a.m. Officer Harold W. Thomaston, Jr. was not present. At approximately 6:15 a.m., the redbook was checked and there was no entry granting a day off for Officer Thomaston. At approximately 6:20 a.m., Sergeant James Lint called Officer Thomaston's listed telephone number, but there was no response, so a message was left in regards to his whereabouts. In addition, Officer Justin Vasquez went to Officer Thomaston's apartment, but there was no response.

At approximately 6:30 a.m., Officer Thomaston called and stated that he was parked on the side of the road, as he had hit a curb, damaging both right side tires of his vehicle. Officer Thomaston sounded tired and when asked if he had been drinking the previous night, he responded, "Yes, some, but I am just really tired."

Officer Thomaston further advised that it would take some time to get home and get dressed for duty; such time would certainly exceed the one hour allotted to report for duty. Officer Thomaston was told that, given the situation, he would be carried "leave without pay" for the day.


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

AGREED TO BY:


WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

OCT 16 2015

DATE


OFFICER HAROLD W. THOMASTON, JR.,
#0577
SAN ANTONIO POLICE DEPARTMENT



10-19-15, 2015 12:00
DATE TIME

2015 OCT 26 PM 1:44


On this 19th day of October, 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.


OFFICER HAROLD W. THOMASTON, JR., #0577
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 _____	TIME: <u>1210</u>	DATE: <u>101915</u>
 _____	TIME: <u>1210</u>	DATE: <u>101915</u>

FILED on this the 26th day of October, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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