

LEGAL ADVISOR OFC.
OCT 17 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

Officer Jonathan D. Harris, #0311
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 Jonathan D. Harris:

WHEREAS, Officer Jonathan D. Harris, pursuant to Article XXVII, 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 September 22, 2014, with a three-day contemplated suspension; and

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

WHEREAS, Officer Harris and Chief McManus have agreed that the discipline in this matter shall be a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Harris shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on October 30, 2014, and ending on November 1, 2014. Should Officer Harris not be involved in a chargeable traffic accident in the year following October 2, 2014, upon application by Officer Harris within two weeks of such date, and approval by the Chief of Police, this suspension shall be reduced to a written reprimand, and three days' pay and benefits will be returned to Officer Harris. Officer Harris 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 Harris 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 Harris and grounds for suspension are as follows:

- (12) Violation of an applicable fire or police department rule or special order.

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The Rules and Regulations and Procedures of the San Antonio Police Department which Officer Harris has violated are as follows:

RULE 3.18 - CITY EQUIPMENT/PROPERTY (A) IMPROPER OR NEGLIGENT HANDLING: Improper or negligent handling of any city property or willful damage to city property is prohibited.

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

On or about July 7, 2014, at approximately 5:14 p.m., while on duty and operating a city-owned vehicle at the intersection of W. Woodlawn and St. Cloud, Officer Jonathan D. Harris negligently struck a vehicle.

The level of this suspension is based upon Officer Harris's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.16 of the San Antonio Police Department General Manual.

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

AGREED TO BY:	<u>WILLIAMS</u>	<u>OCT 13 2014</u>
	WILLIAM P. MCMANUS, CHIEF OF POLICE	DATE
	SAN ANTONIO POLICE DEPARTMENT	
	<u>[Signature]</u>	<u>10-16</u> , 2014 <u>1355</u>
	OFFICER JONATHAN D. HARRIS, #0311	DATE TIME
	SAN ANTONIO POLICE DEPARTMENT	

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On this 16 day of October, 2014, 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.

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OFFICER JONATHAN D. HARRIS, #0311
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Saul Mayal #3340 TIME: 1356 DATE: 10/16/14

Morales TIME: 1256 DATE: 10/16/14

FILED on this the 21st day of October, 2014, with the Fire
Fighters' and Police Officers' Civil Service Commission.

for Saul Mayal

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

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