

Officer Jose E. Portillo, #1174
San Antonio Police Department
San Antonio, Texas

2015 DEC 16 AM 10:40

DEC 14 2015

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

AGREED SUSPENSION

Commissioners and Officer Jose E. Portillo:

WHEREAS, Officer Jose E. Portillo, 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 November 21, 2015, with a thirteen-day contemplated suspension; and

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

WHEREAS, Officer Portillo and Chief McManus have agreed to reduce the discipline in this matter to a four-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Portillo shall be suspended without pay from the San Antonio Police Department for a period of four days, commencing on January 2, 2016, and ending on January 5, 2016. Officer Portillo 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 Portillo 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 Portillo 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 Portillo has violated are as follows:

PROCEDURE 609 - EMERGENCY VEHICLE RESPONSE AND FOOT PURSUITS (.07) RESPONDING TO EMERGENCY CALLS (A) Authorization for Code-Two or Code-Three emergency response (1) Officers are authorized to make a Code-Two or Code-Three response only when assigned by the dispatcher or with verbal, on-air supervisory approval.


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

On or about June 1, 2015, Officer Jose E. Portillo was assigned to a call for a fire at 603 Globe Avenue, and drove his assigned police vehicle to

the location using his lights and sirens and disregarding traffic laws, without authorization to do so.

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

DEC 14 2015

DATE


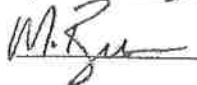

OFFICER JOSE E. PORTILLO, #1174
SAN ANTONIO POLICE DEPARTMENT

12-14, 2015 11:00
DATE TIME

On this 14 day of December, 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 this 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 JOSE E. PORTILLO, 1174
SAN ANTONIO POLICE DEPARTMENT


WITNESSED BY:

 3160 TIME: 1100
 4041 TIME: 1100

DATE: 12/14/2015
DATE: 12/14/15

2015 DEC 16 AM 10:40
SAN ANTONIO POLICE DEPARTMENT

FILED on this the 16 day of December, 2015, with the Fire Fighters' and Police Officers' Civil Service Commission.


ALICE D. RAMIREZ
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION