

Officer Joseph A. Swan, #0620
San Antonio Police Department
San Antonio, Texas

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2015 NOV 23 PM 11:34

NOV 18 2015

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

AGREED SUSPENSION

Commissioners and Officer Joseph A. Swan:

WHEREAS, Officer Joseph A. Swan, 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 27, 2015, with a three-day contemplated suspension; and

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

WHEREAS, Officer Swan 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 Swan shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on November 30, 2015, and ending on December 2, 2015. Should Officer Swan not be involved in a chargeable traffic accident in the year following the issuance of this agreed suspension, upon application by Officer Swan 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 Swan. Officer Swan 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 Swan 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 Swan 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 Swan 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 August 28, 2015, at approximately 12:20 p.m., while on duty and operating a city-owned vehicle in the 1600 block of Semlinger Road, Officer Joseph A. Swan negligently struck a concrete wall.

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The level of this suspension is based upon Officer Swan's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.17 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>WILLIAM F. MCMANUS</u>	<u>NOV 17 2015</u>
	WILLIAM F. MCMANUS	DATE
	CHIEF OF POLICE	
	SAN ANTONIO POLICE DEPARTMENT	
	<u>Joseph A. Swan</u>	<u>11-18-15, 2015 130</u>
	OFFICER JOSEPH A. SWAN, #0620	DATE TIME
	SAN ANTONIO POLICE DEPARTMENT	

On this 18 day of November, 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.

Joseph A. Swan #0620
OFFICER JOSEPH A. SWAN, #0620
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Don R Hunt 3097 TIME: 1305 DATE: 11-18-15
W. K. Hartz 3173 TIME: 1306 DATE: 11-18-15

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

Glee D. Raminis for
DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

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