

Officer Marcos T. Benavidez, #0090
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISOR'S OFFICE
JUN 10 2016
SAN ANTONIO POLICE DEPARTMENT

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

Commissioners and Officer Marcos T. Benavidez:

Under and by virtue of the authority vested in me by Title 5, Subtitle A, Chapter 143 of the Local Government Code, V.T.C.S., said chapter entitled "Municipal Civil Service", I do hereby suspend Officer Marcos T. Benavidez from paid duty with the San Antonio Police Department for a period of five calendar days, commencing on June 13, 2016, and ending on June 17, 2016.

Officer Benavidez 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 rule violated by Officer Benavidez and ground for suspension is as follows:

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

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

RULE 3.11 - USE OF INTOXICANTS (B) INTOXICATION:
Members shall not, at any time, be intoxicated while on-duty.
Members shall not be intoxicated while in public view. No member, while off-duty, shall drink intoxicating beverages to an extent which renders them unfit to report for duty.

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

On or about January 8, 2016, while off duty, Officer Marcos T. Benavidez was found lying on the side of the street on N. Navidad at W. Woodlawn with scattered personal possessions on the ground nearby. Officers called to the scene found Officer Benavidez intoxicated to an extent which rendered him unfit to report for duty. Upon questioning, Officer Benavidez admitted consuming intoxicating alcoholic beverages.

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


WILLIAM P. MCMANUS, CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

MAY 31 2016

DATE

2016 JUN 10 PM 2:12

On this 9th day of June, 2016, I hereby acknowledge receipt of the original of the foregoing five-day 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 Collective Bargaining Agreement by and between the City of San Antonio and the San Antonio Police Officers' Association.


OFFICER MARCOS T. BENAVIDEZ, #0090
SAN ANTONIO POLICE DEPARTMENT

6-9-16, 2016 2245
DATE TIME

WITNESSED BY:

M. Kij DATE: 6-9-16 TIME: 2250 hrs.
R. Zulu #3126 DATE: 6/9/2016 TIME: 2250

FILED on this the 10th day of June, 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

2016 JUN 10 PM 2:12