

Officer Paul E. Zavala, #1329
San Antonio Police Department
San Antonio, Texas

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

LEGAL ADVISOR CFC
SEP 30 2015
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

AGREED SUSPENSION

Commissioners and Officer Paul E. Zavala:

WHEREAS, Officer Paul E. Zavala, 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 September 3, 2015, with a three-day contemplated suspension; and

WHEREAS, pursuant to said contract, Officer Zavala was given an opportunity to rebut those charges being brought against him to Police Chief Anthony L. Treviño, Jr.; and

WHEREAS, said opportunity was exercised by Officer Zavala; and

WHEREAS, Officer Zavala and his captain, Vidal Resendez, have agreed and Chief Treviño has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Zavala shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on October 6, 2015, and ending on October 8, 2015. Officer Zavala 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 Zavala 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 Zavala 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 Zavala has violated are as follows:

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RULE 4.12 - OFFICIAL REPORTS: (A) COMPLETION OF REPORTS: Members shall complete reports promptly, accurately, and in conformance with the reporting procedures of the department. (B) SUBMISSION OF REPORTS: Members shall complete and submit all reports prior to going off-duty.


PROCEDURE 707 - CRASH INVESTIGATION (.04) RESPONDING TO CRASHES (A) Responsibilities of first officer arriving at a crash scene: (5) Identify all drivers or pedestrians involved in the crash and check for valid driver's license and proof of insurance. This includes checking each person for active warrants and taking appropriate action if warrants are found.


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

On or about May 6, 2015, Officer Paul E. Zavala was dispatched to an accident at Felan and S. San Marcos at 11:15 a.m. Upon arriving, Officer Zavala was advised by the complainant that a white van had just crashed into his fence and fled down the street. Officer Zavala located the driver and the van, which was parked just down the street. The van had considerable front-end damage, which resulted in the air bags being deployed. The van was not driveable at that point. Officer Zavala identified the driver and in doing so, found the driver to have a suspended driver's license and outstanding traffic warrants for his arrest. Not only did Officer Zavala not take any action regarding the suspended driver's license or the outstanding warrants, he did not write or submit a crash report as required.

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



AGREED TO BY:  9/17/15
ANTHONY L. TREVINO, JR. DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

 #1329 9/29/15, 2015 0440
OFFICER PAUL E. ZAVALA, #1329 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

On this 29th day of SEPTEMBER, 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.

 #1329
OFFICER PAUL E. ZAVALA, #1329
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 3212 TIME: 0950 DATE: 9-29-15
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FILED on this the 15th 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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