

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2014 NOV -3 AM 11:21

LEGAL ADVISOR OFC.
OCT 31 2014
CITY ATTORNEY'S OFFICE
SAN ANTONIO, TEXAS

Officer Roberto Gonzalez, Jr., #1149
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 Roberto Gonzalez, Jr.:

WHEREAS, Officer Roberto Gonzalez, Jr., 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 October 23, 2014, with a two-day contemplated suspension; and

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

WHEREAS, Officer Gonzalez and his captain, Laura Andersen, have agreed and Chief McManus has approved of settling this matter with a two-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Gonzalez shall be suspended without pay from the San Antonio Police Department for a period of two days, commencing on November 13, 2014, and ending on November 14, 2014. Officer Gonzalez 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 Gonzalez 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 Gonzalez 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 Gonzalez has violated are as follows:

DISCIPLINARY ACTIONS

RULE 4.04 - REPORTING FOR DUTY: Members, unless otherwise directed, shall report for duty or present themselves at the time and place specified by proper authority. They shall be properly uniformed, or dressed, and equipped.

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

On or about October 18, 2014, at 6:00 a.m., Officer Roberto Gonzalez, Jr. failed to appear for roll call. Officer Gonzalez had attempted to schedule time off a month in advance in order to attend a charity run. He was not able to obtain one of the leave slots for the day and was told to check back with his Unit supervisor to see if he had been approved, or to get someone to work for him. Officer Gonzalez did not call the Unit, nor did he make any attempt to schedule a replacement officer to work for him that day. Officer Gonzalez left town knowing he had not received approval to take leave. Officer Gonzalez was carried on Leave Without Pay status for October 18, 2014.

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2014 NOV - 3 AM 11: 21

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

AGREED TO BY: [Signature] OCT 29 2014
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
SAN ANTONIO POLICE DEPARTMENT

[Signature] 1149 10/31, 2014 040
OFFICER ROBERTO GONZALEZ, JR., #1149 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

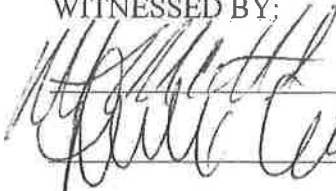
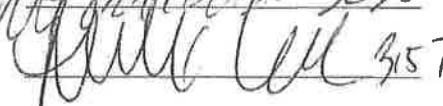
On this 31 day of October, 2014, I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of the instant suspension during which to file a written appeal of this suspension with the Personnel 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

DISCIPLINARY ACTIONS

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 ROBERTO GONZALEZ, JR., #1149
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 3032 TIME: 0849 DATE: 10-31-14
 3157 TIME: 0849 DATE: 10/31/14

FILED on this the 03 day of November, 2014, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

RECEIVED
CITY OF SAN ANTONIO
HUMAN RESOURCES DEPT
2014 NOV -3 AM 11:21