

Officer Steve M. Albart, #0121
San Antonio Police Department
San Antonio, Texas

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LEGAL ADVISOR'S OFFICE

DEC 02 2016

SAN ANTONIO POLICE DEPARTMENT

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

AGREED SUSPENSION

Commissioners and Officer Steve M. Albart:

WHEREAS, Officer Steve M. Albart, 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 17, 2016, with a contemplated indefinite suspension; and

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

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Albart shall be suspended without pay from the San Antonio Police Department for a period of Thirty days, commencing on December 21, 2016, and ending on January 19, 2017. Officer Albart 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 Albart 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 Albart 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 Albart has violated are as follows:

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RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC:

Members shall serve the public through direction, ~~managing~~ assistance, and protection of life and property. Members shall also respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment. (C) CONDUCT AND BEHAVIOR: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.


PROCEDURE 918 – HARASSMENT, DISCRIMINATION, AND SEXUAL CONDUCT IN THE WORKPLACE (.04) PROHIBITED ACTIVITIES (D) Members (both sworn and civilian) shall not engage in conduct that could be construed as inappropriate behavior, sexual harassment or any other significant behavioral infraction.

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

On or about June 12, 2016, during the night shift, between approximately 5:30 p.m. to 3:30 a.m., Officer Steve M. Albart went into the women's locker room at the Bike Patrol Office and defecated in the toilet assigned to female personnel. A second male officer then went into the same facility and defecated on top of the previously deposited excrement. The toilet was left unflushed by both officers intentionally. Officer Albart and the other officer also obtained a brown substance with the consistency of tapioca and spread it on the toilet seat, giving the appearance that there was fecal matter on the seat. Officer Albart then boasted of these actions to fellow officers. This inappropriate behavior was done after a female officer requested the women's restroom be kept clean.


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

DATE


12/01/16


OFFICER STEVE M. ALBART, #0121
SAN ANTONIO POLICE DEPARTMENT


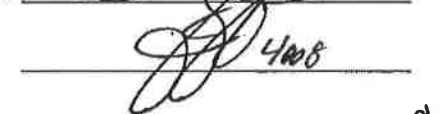
DATE

12-1, 2016 1503
TIME

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 STEVE M. ALBART, #0121
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:


 4008

TIME: 1500 DATE: 12-1-16

TIME: 1500 DATE: 12/01/16

FILED on this the 2nd day of Dec., 2016, with the Fire Fighters' and Police Officers' Civil Service Commission.


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

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