

Officer Jose Juarez, #1218
San Antonio Police Department
San Antonio, Texas

2017 MAR 29 PM 1:58

LEGAL ADVISOR'S OFFICE
MAR 23 2017
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 Jose Juarez:

WHEREAS, Officer Jose Juarez, 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 February 21, 2017, with a ten-day contemplated suspension; and

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

WHEREAS, Officer Juarez and Chief McManus have agreed that the discipline in this matter shall be a ten-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Juarez shall be suspended without pay from the San Antonio Police Department for a period of ten days, commencing on March 28, 2017, and ending on April 6, 2017. Should Officer Juarez not be involved in a chargeable traffic accident in the year following the issuance of this agreed suspension, upon application by Officer Juarez within two weeks of such date, and approval by the Chief of Police, five days' pay and benefits will be returned to Officer Juarez. Officer Juarez 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 Juarez 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 Juarez 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 Juarez has violated are as follows:

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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 December 22, 2016, at approximately 1:10 p.m., while on duty and operating a city-owned vehicle at the intersection of N.W. Loop 410 Access Road and San Pedro Avenue, Officer Jose Juarez negligently struck a vehicle.

The level of this suspension is based upon Officer Juarez'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: WILLIAMS 3-15-17
 WILLIAM P. MCMANUS DATE
 CHIEF OF POLICE
 SAN ANTONIO POLICE DEPARTMENT

JJ 3/21, 2017 185
 OFFICER JOSE JUAREZ, #1218 DATE TIME
 SAN ANTONIO POLICE DEPARTMENT

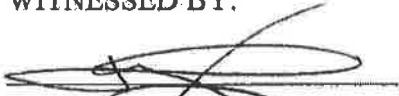

I hereby acknowledge receipt of the original of the foregoing Agreed Suspension. I acknowledge having received notification that I have fifteen days from the date of receipt of the instant suspension during which to file a written appeal of this suspension with the Personnel Director of the City of San 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.


1218

OFFICER JOSÉ JUÁREZ, #1218
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 TIME: 1815 DATE: 3-21-17
 TIME: 1815 DATE: 3-21-17

FILED on this the 29th day of March, 2017, with the Fire
Fighters' and Police Officers' Civil Service Commission.



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

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