

Detective Duane T. Vargas, #2115
San Antonio Police Department
San Antonio, Texas

LEGAL ADVISOR'S OFFICE
JUN 29 2017
2017 JUN 30 AM 10:42
SAN ANTONIO POLICE DEPARTMENT

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

AGREED SUSPENSION

Commissioners and Detective Duane T. Vargas:

WHEREAS, Detective Duane T. Vargas, 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 June 12, 2017, with a one-day contemplated suspension; and

WHEREAS, pursuant to said contract, Detective Vargas 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 Detective Vargas; and

WHEREAS, Detective Vargas and his captain, Alex De La Garza, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Detective Vargas shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on July 9, 2017, and ending on July 9, 2017. Detective Vargas 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.

Detective Vargas 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 Detective Vargas 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 Detective Vargas has violated are as follows:

PROCEDURE 917 - FIESTA AND SPECIAL EVENT ASSIGNMENTS (.04) FIESTA EVENTS (C) Attendance Requirements (1) Officers committing to Fiesta event assignment(s) and failing to report for duty are carried as "unauthorized absence from duty". (2) Officers receiving Fiesta event assignments are responsible for reporting to all assignments on time and in a complete regulation uniform, including the regulation hat and a traffic vest. Officers shall also have a flashlight if the event occurs during hours of darkness. (3) Officers will not arrange for other officers to substitute for them at Fiesta event assignments. (4) An officer is tardy if he arrives at roll call after his name is called by the event commander. Officers who are tardy may be replaced by officers in the Fiesta stand-by pool. (5) Officers assigned to specific posts will remain at their posts until relieved from duty by the proper supervisory authority.

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

On April 27, 2017, Detective Duane T. Vargas was scheduled for a NIOSA crowd assignment at 5:00 p.m. through the Police Officer Fiesta Scheduling System (POFS) on the second download, but failed to report for duty. Detective Vargas made himself available for this date in POFS and the system downloaded him on April 14, 2017 at 11:00 a.m. Fiesta Standby did not receive an email or phone call from Detective Vargas indicating there was an issue and he would not be able to make his assignment.

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

06/20/17
DATE


DETECTIVE DUANE VARGAS, #2115
SAN ANTONIO POLICE DEPARTMENT

06/28/17 1427
DATE 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 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.

UPV #2115
DETECTIVE DUANET. VARGAS, #2115
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Ra Sa

TIME: 1427

DATE: 6-28-17

Roberto #3215

TIME: 1429

DATE: 6-29-17

FILED on this the 30th day of June, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

U. R. R. R.
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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LEGAL ADVISOR'S OFFICE

JUN 29 2017

SAN ANTONIO POLICE DEPARTMENT

**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Detective Duane T. Vargas, #2115

ACTIVITY NO. AND NAME: 17-05-07 Police

JOB CLASS NO. AND TITLE: 0603 Police

TRANS NO/TYPE	SOCIAL SECURITY NUMBER	TRANS DATE	BEGIN DATE	END DATE
1 4	5	14 16 18 MO DA YR	20 22 24 MO DA YR	26 28 30 MO DA YR
P50 3		06 14 17	07 09 17	07 09 17

NUMBER OF 32 DAYS	LAST PAY 35 INDIC	TYPE 36	REASON 37 39
30 01			022

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

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D. T. Vargas
EMPLOYEE

6/28/17.
DATE

[Signature]
DEPARTMENT HEAD

CITY MANAGER

LEAVE FORFEITURE FOR SUSPENSION REQUEST

To: Chief of Police

From: VARGAS, DUANE
Officer's Name

215
Badge Number

Date: 6/28/17

Copies to: Accounting, Budget and Personnel, Pension Board, File

TYPE OR PRINT ONLY- Use Ink

I, Duane T. Vargas, hereby agree to the 1 day disciplinary
(Print Name)
suspension received on 07/09/2017 and request to forfeit leave time in lieu of
serving the disciplinary suspension.

Type of leave forfeited: ☐ Vacation
☒ Compensatory Time
☐ Holiday
☐ Bonus Day

[Signature]
Officer's Signature
6/28/17
Date

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Request Denied/Approved

[Signature]
Chief of Police

06/29/17
Date

The Chief of Police is not prohibited from denying this request.

LEGAL ADVISOR'S OFFICE

JUN 29 2017

SAN ANTONIO POLICE DEPARTMENT Antonio Police Department
SAPD Form 61-LF (06/05)