



# Bexar County Sheriff's Office

Javier Salazar, Sheriff



## AGREED ORDER AND ENACTMENT OF SUSPENSION

**EMPLOYEE: Deputy Joshua Gonzales, Badge #4447, 2<sup>nd</sup> Annex**

**DATE: August 30, 2017**

***This is a reduced action ordered by Deputy Chief Laura M. Balditt, Adult Detention Bureau. You have consented to this reduced action and agreed to waive further grievance and appeal procedures.***

You are hereby notified that the Bexar County Sheriff's Office is suspending you without pay for Five (5) days for violation of the following Subsection(s) of Section 9.02 of the Rules for the Bexar County Sheriff's Civil Service Commission:

**P. Conduct which has proven to be detrimental or has an adverse effect on the Department.**

In addition to the following violations of the Bexar County Sheriff's Office Manual of Policy and Procedure:

**5.02 Performance of Duties**

**The specific reason(s) for this action:** On Thursday, February 2, 2017, you were assigned to Unit AC on 2<sup>nd</sup> Detail at the Main Jail. You were on the scheduled Mandatory Overtime (MOT) List as noted in the list provided by Staffing and Compliance and subject to work MOT on 3<sup>rd</sup> Detail. At approximately 2200 hours Lt. Edward B. McCrea, #1181 contacted you and stated you were needed to work MOT at the Annex. You requested to work Unit 3D and your request was granted. At approximately 2315 hours (30 minutes after the start of 3<sup>rd</sup> Detail) you called Lt. McCrea from your cellphone and said your daughter was being taken to the hospital by your sister. You said you were unable to work MOT and needed to go to the hospital. Lt. McCrea said he would try to find a replacement MOT Officer to fill your assigned post. Lt. McCrea told you he would excuse you if you brought documentation from the hospital showing your daughter was seen by medical staff that evening. Lt. McCrea also told you that if you did not bring in the documentation that your daughter was treated at the hospital that evening, you would be given a Notice of Proposed Suspension for failure to work your assigned MOT post. You said you understood and would bring in the proper paperwork.

On February 16, 2017, you supplied Lt. McCrea with a doctor's note for yourself for February 3, 2017 (the day after your scheduled MOT day). On February 20, 2017 you supplied paperwork showing your daughter was admitted to University Hospital on February 1, 2017, the day before you told Lt. McCrea your sister was taking your daughter to the hospital. The paperwork also shows your daughter being released from the hospital February 2, 2017, the same day you worked 2<sup>nd</sup> Detail and thus was already out of the hospital when you advised Lt. McCrea that she was being taken to the hospital.

In your written report you stated when you found out your daughter was in the hospital you advised your floor sergeant and was relieved at 2145 hours to go to the hospital. However, Lt. McCrea states that he called you in Unit AC at 2200 hours and log book entries for Unit AC show you doing an observation check at 2225 hours and 2255 hours. In addition, your written report details that you were confronted by your daughter's mother sometime after 2145 hours when you arrived at the hospital and left with your daughter still in the hospital around 2345 hours. The veracity of this statement also is suspect unless your daughter happened to be discharged in the last 15 minutes of the day.

**The corrective action required:** In the future, you will comply with the Bexar County Sheriff's Office Manual of Policy and Procedure 5.26 Untruthfulness which states "No employee of the Sheriff's Office shall make or give any false statements to supervisors when being questioned, interviewed or in submitted reports. To do so is to create an undesirable dishonest situation, characterized by lack of trust, honesty or truthfulness." You will also adhere to 5.02 Performance of Duties of the same aforementioned policy which states in part "An employee shall not display reluctance on their part to properly perform their duty." Be advised that repetition of the action (or lack of action) which resulted in this Order of Suspension, may result in more serious disciplinary action, which may include dismissal from the Sheriff's Office.

On April 13, 2017 you were served with an Order of Suspension for ten (10) days, for the violations cited above. You requested a hearing, accordingly a grievance hearing was held on August 15, 2017 in my office.

**Present at the hearing were the following:**

Deputy Chief Laura M. Balditt, Adult Detention Bureau  
Laura Martinez, HR Technician  
Deputy Joshua Gonzales, Grievant  
Karl Brehm, CLEAT Attorney

After hearing your case, I offered to reduce the Order of Suspension (10 days) to an Agreed Order and Enactment of Suspension Five (5) days. You have accepted the action therefore I am issuing this Agreed Order and Enactment of Suspension (5). Be advised that by agreeing to this reduced action you are also agreeing to waive further grievance and appeals procedures regarding this issue.

**Accordingly, you will SERVE your Suspension in accordance with the 8 hour working schedule, which is currently in effect. *Be advised that pursuant to Civil Service Rule 5.53, you may opt to forfeit leave up to a total of five (5) days, or the equivalent to forty hours, in one calendar year.* If you choose to forfeit your accumulated leave you must complete the specific information requested on the document titled Request to Forfeit Leave in Lieu of Suspension.**

**AGREED ORDER OF SUSPENSION (5 DAYS)  
DEPUTY JOSHUA GONZALES**

**PAGE 3**

<u>September</u>	<u>22, 23, 24, 27, 28</u>	<u>5</u> DAYS @ 8.0 hours each day.
MONTH	DAYS	YEAR
		<b>Total: <u>          HOURS          </u></b>

**I have read the above. I fully understand my rights of grievance and appeal in disciplinary issues as outlined under Civil Service Rules. I wish to waive further grievance and appeal procedures regarding this issue and agree to accept the Reduced Action as outlined above.**

*Chief Balditt*

Deputy Chief Laura M. Balditt  
Adult Detention Bureau

The foregoing document was sent via facsimile to Karl Brehm, CLEAT Attorney on 9-20, 2017. Please acknowledge receipt of said document and return by fax to (210) 335-5083.

**Agreed and Accepted:**

*[Signature]*  
Signature of ~~Representative~~  
*Employee*

- 1) Original- Personnel File 2) Employee 3) Shift Commander 4) Employee Disciplinary Technician

**AGREED ORDER OF SUSPENSION (5 DAYS)  
DEPUTY JOSHUA GONZALES****PAGE 3**

			_____ DAYS @ 8.0 hours each day.
MONTH	DAYS	YEAR	
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I have read the above. I fully understand my rights of grievance and appeal in disciplinary issues as outlined under Civil Service Rules. I wish to waive further grievance and appeal procedures regarding this issue and agree to accept the Reduced Action as outlined above.



Deputy Chief Laura M. Balditt  
Adult Detention Bureau

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**Agreed and Accepted:** 9-20-17  
Signature of Representative

- 1) Original- Personnel File 2) Employee 3) Shift Commander 4) Employee Disciplinary Technician