

LEGAL ADVISOR'S OFFICE

AUG 29 2017

SAN ANTONIO POLICE DEPARTMENT

Officer Humberto Zuniga, #1538
San Antonio Police Department
San Antonio, Texas

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

RECEIVED
CITY OF SAN ANTONIO
POLICE DEPARTMENT
2017 AUG 31 AM 10:09

AGREED SUSPENSION

Commissioners and Officer Humberto Zuniga:

WHEREAS, Officer Humberto Zuniga, 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 August 9, 2017, with a one-day contemplated suspension; and

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

WHEREAS, Officer Zuniga and his captain, Vidal Resendez, 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 Officer Zuniga shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on September 6, 2017, and ending on September 6, 2017. Officer Zuniga 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 Zuniga 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 Zuniga 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 Zuniga has violated are as follows:

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.

PROCEDURE 905 - OFF-DUTY AND OUTSIDE
EMPLOYMENT (.05) OUTSIDE EMPLOYMENT (C) Eligibility

(1) All officers are eligible to participate in outside employment,
except: (b) Officers who are on suspension, sick leave, injury
leave or limited-duty assignment;

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

After being on injured leave from April 1, 2017 - April 16, 2017, Officer Humberto Zuniga was released by his doctor to return to work on limited duty on April 17, 2017. The Chief's Office issued orders for Officer Zuniga to return to Central Patrol, A shift, effective April 17, 2017 for his limited duty assignment. With relief days of Monday and Tuesday, Officer Zuniga's first day to report for duty was to be April 19, 2017. When Officer Zuniga failed to report to work at 6:00 a.m., sergeants assigned to Central Patrol, A shift attempted to call him several times. Receiving no response, Sergeant Garcia went to Officer Zuniga's residence. Sergeant Garcia attempted unsuccessfully to get a response at Officer Zuniga's residence. Later in the day, Sergeant Garcia returned to Officer Zuniga's residence and was then able to contact Officer Zuniga. Sergeant Garcia informed Officer Zuniga that he was expected at work at 6:00 that morning and would be carried absent without pay for the day.

While being on injured leave during the above listed dates, Officer Zuniga's work permit as the security officer at the apartment complex in which he resides was revoked by the Off-Duty Employment Office. Officer Zuniga was notified via email of revocation. However, it was found during this investigation that Officer Zuniga continued to perform duties at the apartment complex while on injured leave.

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

08/23/17


OFFICER HUMBERTO ZUNIGA #1538
SAN ANTONIO POLICE DEPARTMENT

DATE

TIME

1538

08217 0830

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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.

Humberto Zoniga 1538
OFFICER HUMBERTO ZONIGA, #1538
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Karen M. Falke TIME: 0830 DATE: 8/26/17
R. [Signature] TIME: 0831 DATE: 8/26/17

FILED on this the 31 day of August, 2017, with the Fire Fighters' and Police Officers' Civil Service Commission.

for Susana [Signature]
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Humberto Zuniga, #1538

UNIT OF ASSIGNMENT: CPA

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	TRANS DATE			BEGIN DATE			END DATE		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
<div style="background-color: black; width: 100px; height: 20px; margin: 0 auto;"></div>	08	17	17	09	06	17	09	06	17

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

RECEIVED
CITY OF SAN ANTONIO
OFFICE OF THE CHIEF OF POLICE
2017 AUG 31 AM 10:09

 1538
EMPLOYEE

082617
DATE


DEPARTMENT HEAD

08/23/17
DATE

LEGAL ADVISOR'S OFFICE

AUG 29 2017

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