



Bexar County Sheriff's Office

Javier Salazar, Sheriff

AGREED ORDER AND ENACTMENT OF SUSPENSION

EMPLOYEE: Cpl. Mercedes Holguin, Badge #1017, Emp. #30210, Detention
DATE: December 18, 2017

This is a reduced action ordered by Don Tijerina, Chief Deputy, which will supersede the discipline issued by Assistant Chief Deputy Bobby Hogeland. 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 thirty (30) days from the position of Detention Corporal for violation of the following Bexar County Sheriff's Civil Service Rules, said rules having been adopted on March 14, 1985 and thereafter from time to time amended by the Bexar County Sheriff's Civil Service Commission. The particular Civil Service Rules violated by you are as follows:

Chapter IX, Section 9.02:

J. Poor Job Performance

P. Conduct which has proven to be detrimental or has an adverse effect on the Sheriff's Office.

In addition by your actions, you are also in violation of the following rules of the Bexar County Sheriff's Office Manual of Policy and Procedure:

5.02 PERFORMANCE OF DUTIES

A. All employees of the Sheriff's Office shall render their services to the County of Bexar with loyalty, enthusiasm, discretion and courage. They shall also obey the various ordinances of the cities located within the State of Texas, as well as the laws of the State itself, not only during their duty hours, but also during their time away from county employment. During the performance of their assigned duties, an employee shall carry out their assigned duties in a manner designed to represent the Sheriff's Office in the best possible way.

B. An employee shall not:

4. Fail to exercise diligence, proper demeanor, intelligence, and interest in the pursuit of their duties.

5.24 CONDUCT UNBECOMING AN OFFICER

A Deputy Sheriff shall always conduct himself/herself in a manner which reflects most favorably on the Sheriff's Office, whether in a duty or off-duty status. Unbecoming conduct includes unjustified behavior which brings the Sheriff's Office into disrepute, discredits a member of the Sheriff's Office, impairs the operation of the Sheriff's Office, or has an adverse effect on the Sheriff's Office.

The factual basis for the disciplinary dismissal is as follows: On or about February 24, 2017, Unit 8A was temporarily housed in Unit 9B due to fumigation. You were in Unit 9B and Sgt. Gilbert Bedia, Badge #490 went into the Unit to investigate chaotic unit conditions and

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complaints of undelivered mail. The inmates in your unit complained to Sgt. Bedia that you had received their mail, however did not distribute it. Sgt. Bedia asked you if you had received the inmate mail, to which you replied "no I don't have it, must be in corridor 308." When asked again you replied "no, it was not delivered here." You failed to provide Sgt. Bedia with an explanation though you had already received the mail and had given it to Officer Valerie Valadez, Badge #4232 to hold until the end of the shift.

You described your Unit as on the "verge of chaotic" and one method you utilized to gain control was "joking to keep the inmates in line." Joking is not an appropriate tactic to use when attempting to gain compliance, as it diminishes your authority. Additionally, acting like you were going to push an inmate into her bunk or telling an inmate that you will notch her with your pen are not appropriate methods to gain compliance.

The corrective action required: In the future, you will comply with the Bexar County Sheriff's Office Manual of Policy and Procedure 5.02 B(4) Performance of Duties, which states in part "An employee shall not...(4) fail to exercise diligence, proper demeanor, intelligence, and interest in the pursuit of their duties." Be advised that repetition of the action (or lack of action) which resulted in this Agreed Order and Enactment of Suspension, may result in more serious disciplinary action, which may include dismissal from the Sheriff's Office.

On October 13, 2017, this office received your request for a hearing in reference to the Order of Dismissal served on October 9, 2017. Accordingly a grievance hearing was held on November 1, 2017 in my office.

Present at the hearing were the following:

Don Tijerina, Chief Deputy
Laura Martinez, HR Technician
Corporal Mercedes Holguin, Grievant
Ben Sifuentes, Attorney

After reviewing your case, I offered to reduce the Order of Dismissal to a thirty (30) day suspension (time served). You are also ordered to complete Conflict Resolution, Interpersonal Communications through the Deer Oaks Employee Assistance Program (EAP) and provide proof of completion. You have accepted the action therefore, I am issuing this Agreed Order and Enactment of Suspension (30). Furthermore, you have waived the ability to appeal the rule violations, the factual basis of the suspension and the 30-day loss of pay. Nothing in this agreement precludes you from grieving or appealing the loss of back-pay less the 30-day suspension. Nothing in this agreement shall be construed as an admission by BCSO that Cpl. Mercedes Holguin is entitled to back-pay.

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.

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[Signature]

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|-----------------------|--|------|----------------------------------|
| May | 29, 30, 31 | 2017 | 3 DAYS @ 8.0 hours each day. |
| MONTH | DAYS | YEAR | |
| June | 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30 | 2017 | 22 DAYS @ 8.0 hours each day. |
| MONTH | DAYS | YEAR | |
| July | 3, 4, 5, 6, 7 | 2017 | 5 DAYS @ 8.0 hours each day. |
| MONTH | DAYS | YEAR | |
| Total: 30 DAYS | | | |

I have read the above. I fully understand my rights of grievance and appeal in disciplinary issues as outlined under Civil Service Rules.


Don Tijerina
Chief Deputy

The foregoing document was sent via facsimile to Ben Sifuentes, Attorney on December 22, 2017. Please acknowledge receipt of said document and return by fax to (210) 335-5083.

Agreed and Accepted:



Signature of Representative

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