



# Bexar County Sheriff's Office

Javier Salazar, Sheriff



## AGREED ORDER AND ENACTMENT OF SUSPENSION

**EMPLOYEE:** Deputy Samuel C. Garcia, Badge # 1973, 2<sup>nd</sup> Annex

**DATE:** November 13, 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 a total of Three (3) business days, from the position of Detention Deputy.

Per IA# 2017-0218, you have violated the Bexar County Sheriff's Office Manual of Policy and Procedure Rules as follows:

### **5.53 Persons in Custody**

**The specific reasons for this action:** On or about April 10, 2017, while off duty you met with a known Work Release Inmate to conduct business for financial gain. During an Internal Affairs Investigation you admitted to meeting and engaging the service of a known inmate in custody of the Bexar County Sheriff's Office. Your disregard for the Bexar County Sheriff's Office policy and procedures will not be tolerated.

**The corrective action required:** In the future you will remain cognizant that you represent the Bexar County Sheriff's Office, whether in an on or off duty status. You will refrain from fraternizing with anyone in the custody of the Bexar County Sheriff's Office. Be advised that a continuation of the action (or lack of action) that resulted in this Order of Suspension will result in more serious disciplinary action, including dismissal from the Sheriff's Office.

On October 25, 2017 you were served with a Notice of Proposed Suspension for ten (10) days, for the violations cited above. You requested a hearing, accordingly a grievance hearing was held on November 9, 2017 in my office.

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

Deputy Chief Laura M. Balditt, Adult Detention Bureau  
Laura Martinez, HR Technician  
Deputy Samuel Garcia, Grievant  
Morris Munoz, CLEAT Attorney

After hearing your case, I offered to reduce the Notice of Proposed Suspension (10 days) to an Agreed Order and Enactment of Suspension three (3) days. You have accepted the action therefore I am issuing this Agreed Order and Enactment of Suspension (3). 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.

|                 |                |             |                        |
|-----------------|----------------|-------------|------------------------|
| <u>December</u> | <u>2, 3, 6</u> | <u>2017</u> | <u>3</u> DAYS @ 8.0    |
| MONTH           | DAYS           | YEAR        | hours each day.        |
|                 |                |             | Total: <u>24</u> HOURS |

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 Morris Munoz, CLEAT Attorney on November \_\_\_\_, 2017.

*December*

**Agreed and Accepted:**

*[Signature]*  
Employee Signature

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

**REQUEST TO FORFEIT LEAVE IN LIEU OF SUSPENSION****EMPLOYEE:****Deputy Samuel C. Garcia, Badge # 1973, 2<sup>nd</sup> Annex****DATE:****November 13, 2017**

Bexar County Civil Service Rule 5.53 states that the employee may forfeit up to a total of five days Annual or Compensatory time per calendar year. Pursuant to the aforementioned rule, I, Deputy Samuel C. Garcia am requesting that 3 day(s) of my accumulated leave be applied towards my three (3) day suspension.

**I understand the application of my leave toward the Order of Suspension is voluntary on my part and I will be required to work on the dates I choose to forfeit. I further understand and agree that in choosing to use this option, I will be forfeiting and waiving my right to appeal this suspension to the Civil Service Commission.**

Please designate which SPECIFIC type of leave you wish to forfeit your leave from:

December 8, 3, 6 2017 hrs @ 8.0 hrs each day VAC COMP HOL  
Month day(s) year

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

The Foregoing Document was served upon **Deputy Samuel Garcia** on December  
3rd 2017 by:

Capt. Brian E. Parabasz 15cc  
Printed Name/Badge of Server

Capt. Brian E. Parabasz 15cc  
Signature of Server

Agreed and Accepted by Employee:

[Signature]  
Signature of Employee