

Officer Jack E. Harper III, #1007
San Antonio Police Department
San Antonio, Texas

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

LEGAL ADVISOR'S OFFICE
OCT 27 2017
SAN ANTONIO

CITY OF

AGREED SUSPENSION

SAN ANTONIO HR

Commissioners and Officer Jack E. Harper III:

NOV1 '17 11:02AM

WHEREAS, Officer Jack E. Harper III, 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 October 5, 2017, with a three-day contemplated suspension; and

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

WHEREAS, Officer Harper and his captain, Patrick Murnin, have agreed and Chief McManus has approved of settling this matter with a three-day suspension without pay; **NOW THEREFORE:**

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Harper shall be suspended without pay from the San Antonio Police Department for a period of three days, commencing on November 7, 2017, and ending on November 9, 2017. Officer Harper 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 Harper 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 Harper 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 Harper has violated are as follows:

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RULE 3.04 - RESPONSIBILITY TO SERVE THE PUBLIC (C) CONDUCT AND BEHAVIOR: Members, on-or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit on themselves or the department.

CITY OF

SAN ANTONIO HR

NOV 17 11:01AM

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

On or about September 1, 2017, Officer Jack E. Harper III was on post at Travis Park for crowd control purposes as part of the statue removal. While on post, an individual by the name of Brian Dillard approached Officer Harper in an antagonistic manner. This encounter resulted in a verbal confrontation and Officer Harper ultimately responded to Mr. Dillard with "fuck you faggot." Officer Harper's actions did not conform to the ordinary and reasonable rules of good conduct and behavior and brought reproach and discredit on himself and the San Antonio Police Department.

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY: W P MCMANUS OCT 24 2017
WILLIAM P. MCMANUS DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

J E HARPER III 10-25-17 1813
OFFICER JACK E. HARPER III, #1007 DATE TIME
SAN ANTONIO POLICE DEPARTMENT

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.


OFFICER JACK E. HARPER III, #1007
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Bobby G Bradley TIME: 1818 DATE: 10-25-17
G. Boney #4025 TIME: 1819 DATE: 10-25-17

FILED on this the 1st day of Nov., 2017, with the Fire
Fighters' and Police Officers' Civil Service Commission.

Yvette Davis (for)
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION

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LEGAL ADVISOR'S OFFICE

OCT 27 2017

SAN ANTONIO POLICE DEPARTMENT

CITY OF SAN ANTONIO NOTICE OF SUSPENSION

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Jack E. Harper III, #1007

UNIT OF ASSIGNMENT: SCU

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER
[REDACTED]

TRANS DATE		
MO	DA	YR
10	19	17

BEGIN DATE		
MO	DA	YR
11	07	17

END DATE		
MO	DA	YR
11	09	17

NARRATIVE REMARKS: Agreed Three-Day Suspension

AUTHORITY: Written Order of the Chief of Police



EMPLOYEE

10-25-17

DATE



DEPARTMENT HEAD

OCT 24 2017

DATE

CITY OF

SAN ANTONIO HR

NOV 1 '17 11:01AM