

Officer Ernesto Guzman, Jr., #1109
San Antonio Police Department
San Antonio, Texas

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

FEB12 '18 11:17AM

AGREED SUSPENSION

CITY OF

Commissioners and Officer Ernesto Guzman, Jr.:

SAN ANTONIO HR

WHEREAS, Officer Ernesto Guzman, Jr., 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 January 16, 2018, with a one-day contemplated suspension; and

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

WHEREAS, Officer Guzman and his captain, Troy Torres, 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 Guzman shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on February 18, 2018, and ending on February 18, 2018. Officer Guzman 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 Guzman 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 Guzman 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 Guzman has violated are as follows:

RULE 4.10 - DUTY TO REPORT INCIDENTS: (A) TRAFFIC CRASH INVOLVING MEMBER: Members, while in a city vehicle, shall immediately report any traffic crashes in which they are involved.

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

On or about November 13, 2017, at approximately 5:32 p.m., Officer Ernesto Guzman, Jr. crashed his patrol car into a bridge wall in the 3600 block of E. Southcross Boulevard. Officer Guzman got out of his vehicle and observed the damage, which was captured on Coban. Instead of

LEGAL ADVISOR'S OFFICE

FEB 06 2018

SAN ANTONIO POLICE DEPARTMENT

reporting the accident immediately, Officer Guzman waited approximately 3.5 hours before notifying his supervisor.

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

AGREED TO BY:

[Signature]

WILLIAM F. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

FEB 5 2018

DATE

[Signature]

OFFICER ERNESTO GUZMAN, JR., #1109
SAN ANTONIO POLICE DEPARTMENT

2/5/18 2015
DATE TIME

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.

[Signature]
OFFICER ERNESTO GUZMAN, JR., #1109
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 3020 TIME: 2015 DATE: 02/05/18
[Signature] 3134 TIME: 2015 DATE: 02/05/18

FILED on this the 12 day of February, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

FEB 12 '18 11:17AM

CITY OF
SAN ANTONIO HR

**CITY OF SAN ANTONIO
NOTICE OF SUSPENSION**

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Ernesto Guzman, Jr., #1109

UNIT OF ASSIGNMENT: EPB

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER
[REDACTED]

TRANS DATE		
MO	DA	YR
01	31	18

BEGIN DATE		
MO	DA	YR
02	18	18

END DATE		
MO	DA	YR
02	18	18

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

FEB12 '18 11:17AM


CITY OF
SAN ANTONIO HR



EMPLOYEE

2/5/18

DATE



DEPARTMENT HEAD

FEB 5 2018

DATE

LEGAL ADVISOR'S OFFICE
FEB 06 2018
SAN ANTONIO POLICE DEPARTMENT