

Officer Gerald Rodriguez, #0740
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
FEB 01 2018
SAN ANTONIO POLICE DEPARTMENT

CITY OF

SAN ANTONIO HR

FEB 1 '18 1:07PM

AGREED SUSPENSION

Commissioners and Officer Gerald Rodriguez:

WHEREAS, Officer Gerald Rodriguez, 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 26, 2018, with a one-day contemplated suspension; and

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

WHEREAS, Officer Rodriguez and his captain, Randall Smith, 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 Rodriguez shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on February 12, 2018, and ending on February 12, 2018. Officer Rodriguez 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 Rodriguez 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 Rodriguez 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 Rodriguez has violated are as follows:

PROCEDURE 707 - CRASH INVESTIGATION (.04)
RESPONDING TO CRASHES (A) Responsibilities of first officer arriving at a crash scene: (6) Determine if the crash requires a police investigation or if it meets the criteria for the drivers to report it using TxDOT Form #CR-2: (a) The following types of crashes occurring on any street, highway or private property require a police investigation and the responding officer shall report the crash on the Web based TxDOT Crash Reporting and Analysis for Safer Highways, CRASH, Form #CR-3: (1) Crashes resulting in any injury, complaint of any injury, or death to any person; (2) Crashes resulting in damage to any vehicle to the extent the vehicle cannot be "normally and safely" driven from the scene. (Does not require towing and the vehicle can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway.); (3) Crashes involving Federal, State, or City property and/or vehicles; (4) Crashes involving hazardous materials; (5) Crashes involving commercial vehicles; (6) Hit and run crashes; (7) Crashes where any driver is arrested or cited for any criminal or traffic offense, or found to have active warrants of any kind; (8) Crashes with any suspicion that alcohol or any drug may have been involved. (b) The following types of crashes occurring on any street, highway or private property do not require a police investigation. In these situations, the responding officer will provide the drivers with TxDOT Form #CR-2 (see GM 707.C for further guidance): (1) Crashes with no injuries, complaints of injury, or deaths; (2) Crashes where vehicles can be "normally and safely" driven from the scene; (3) Crashes where drivers have valid driver's licenses and proof of insurance for the vehicles; (4) Crashes with no other exigent or unusual circumstances which would require a police investigation (if there is any question, the responding officer shall report the crash on the Web based TxDOT CRASH Form #CR-3.

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

On or about December 5, 2017, a phone complaint was received concerning a crash investigation, SAPD-17-1331231, which Officer Gerald Rodriguez handled on or about December 4, 2017. Upon investigation of the complaint, it was determined that Officer Rodriguez failed to issue the at-fault driver a citation for no insurance. Officer Rodriguez instead placed an N-code 21 on the call to clear himself, instead of completing a crash report. Officer Rodriguez also failed to distribute a crash information sheet, SAPD Form 12-DAR, to either driver.

CITY OF

SAN ANTONIO HR

FEB1 '18 1:08PM

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] Jan 31 2018
WILLIAM P. MCMANUS DATE
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

[Signature] 740 2-1-18 0900
OFFICER GERALD RODRIGUEZ, #0740 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.

[Signature] 740
OFFICER GERALD RODRIGUEZ #0740
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 4371 TIME: 9:13 DATE: 2-1-18
[Signature] 5043 TIME: 9:13 DATE: 2-1-18

FILED on this the 1st day of Feb., 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature] CITY OF
DIRECTOR, FIRE FIGHTERS' AND POLICE
OFFICERS' CIVIL SERVICE COMMISSION SAN ANTONIO HR

LEGAL ADMINISTRATION OFFICE

FEB 01 2018

SAN ANTONIO POLICE DEPARTMENT

CITY OF SAN ANTONIO NOTICE OF SUSPENSION

OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME

EMPLOYEE NAME: Officer Gerald Rodriguez, #0740

UNIT OF ASSIGNMENT: SPA

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER
[REDACTED]

TRANS DATE		
MO	DA	YR
01	29	18

BEGIN DATE		
MO	DA	YR
02	12	18

END DATE		
MO	DA	YR
02	12	18

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

Gerald Rodriguez
EMPLOYEE

2-1-18
DATE

[Signature]
DEPARTMENT HEAD

JAN 31 2018
DATE

CITY OF

SAN ANTONIO HR

FEB1 '18 1:03PM