

Officer James W. Ratcliff, #0549
San Antonio Police Department
San Antonio, Texas

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

MAR 19 '18 11:35AM

CITY OF

SAN ANTONIO HR

AGREED SUSPENSION

Gentlemen and Officer James W. Ratcliff:

WHEREAS, Officer James W. Ratcliff, pursuant to Article XXVII, 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 February 20, 2018, with a ten-day contemplated suspension; and

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

WHEREAS, Officer Ratcliff and Chief McManus have agreed that the discipline in this matter shall be a ten-day suspension held in abeyance for a period of one year; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Ratcliff shall be suspended without pay from the San Antonio Police Department for a period of ten days. The ten-day suspension of Officer Ratcliff shall be held in abeyance for a period of one year, after which time the suspension will be vacated. Officer Ratcliff shall serve the suspension if he is involved in another negligent accident within twelve months of January 17, 2018. Officer Ratcliff 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 Ratcliff 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 Ratcliff 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 Ratcliff has violated are as follows:

RULE 3.18 - CITY EQUIPMENT/PROPERTY (C) SAFE OPERATION OF VEHICLES: City vehicles will be operated in a safe manner and in compliance with all traffic laws.

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

LEGAL ADVISOR'S OFFICE

MAR 19 2018

SAN ANTONIO POLICE DEPARTMENT

On or about January 17, 2018, at approximately 6:10 p.m., while on duty and operating a city-owned vehicle at the intersection of N. Mesquite Street and E. Houston Street, Officer James W. Ratcliff negligently collided with a vehicle.

The level of this suspension is based upon Officer Ratcliff's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.16 of the San Antonio Police Department General Manual.

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] MAR 14 2018
WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
SAN ANTONIO POLICE DEPARTMENT

[Signature] #0549 3-16-18 1037
OFFICER JAMES W. RATCLIFF, #0549 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] #0549
OFFICER JAMES W. RATCLIFF, #0549
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Sgt T. [Signature] #3022 TIME: 10:41 DATE: 3-16-18
[Signature] #5035 TIME: 10:41 DATE: 03/16/18

MAR 19 '18 11:35AM

FILED on this the 19 day of March, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

CITY OF

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