

**NOTICE OF FIVE DAY SUSPENSION WITHOUT PAY**

Battalion Chief Richard Giusti  
San Antonio Fire Department  
315 S. Santa Rosa  
San Antonio, Texas 78207

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

APR4 '18 3:57PM

CITY OF

Commissioners and Battalion Chief Richard Giusti:

SAN ANTONIO HR

Under and by the virtue of the authority vested in me by Chapter 143, Municipal Civil Service, Subtitle A, Title 5, V.T.C.A. Local Government Code, I do hereby suspend Battalion Chief Richard Giusti from the San Antonio Fire Department without pay for a period of five days, beginning on the 10<sup>th</sup> day of April, 2018.

Battalion Chief Richard Giusti has violated Subsection C of Rule XIII of the City of San Antonio Fire Fighters and Police Officers Civil Service Commission Rules which were adopted on February 23, 1998, by the Fire and Police 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 Battalion Chief Giusti and which are grounds for suspension are as follows:

Rule XIII, Subsection C(12): Violation of an applicable fire or police department rule, or special order.

The Rules and Regulations of the San Antonio Fire Department which Battalion Chief Giusti has violated were those approved by the Firemen's and Policemen's Civil Service Commission on February 10, 2003, to be effective March 7, 2003. The particular rules thereof which Battalion Chief Giusti has violated are as follows:

**2.02 ABIDE BY LAWS AND DEPARTMENTAL ORDERS:**

**B. ORDERS, RULES, REGULATIONS, DIRECTIVES, POLICIES AND PROCEDURES:** Members shall abide by the Rules and Regulations, Departmental roles and responsibilities, administrative orders, directives, policies and procedures of the San Antonio Fire Department.

**10.06 RESTRICTIONS ON ACTIVITIES WHILE SICK, INJURED, OR ON LIMITED DUTY:**

A. **REMAIN AT RESIDENCE:** Members, while on sick or injury leave, shall remain at their place of residence unless absence from their place of residence is authorized by Department policy.

D. **REPORTING FOR DUTY WITH ILLNESS OR INJURY:** Members shall not report to duty unless they are free from any illness, injury, or condition that would in any way impede their ability to perform the duties required of their position. Neither shall members remain on duty if they become ill or injured during a tour of duty to the extent that said injury or illness will impede their ability to perform the duties required of their position.

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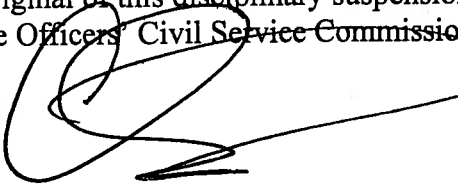
CITY OF

The acts committed by Battalion Chief Giusti which violated the aforementioned Civil Service Rules and Fire Department Rules are as follows: SAN ANTONIO HR

On or about Sunday, October 15th, 2017, while on sick leave, Battalion Chief Giusti visited Fire Station 19 to check up on the staff and specifically, how his newly assigned Incident Command Technician was adjusting to his role. During this visit, Battalion Chief Giusti was informed about an airport exercise that was to be conducted at San Antonio International Airport. Despite the fact that he was on sick leave, on Wednesday, October 18th, 2017, he came into work and participated in the exercise. Additionally, Battalion Chief Giusti failed to notify anyone that he was not cleared for duty, disregarded the rules, regulations, and operational procedures in place. His actions tend to bring reproach upon himself and the San Antonio Fire Department.

Battalion Chief Giusti's violation of the cited rules is the basis for these charges and the reason for his five day suspension without pay.

An original of this disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.



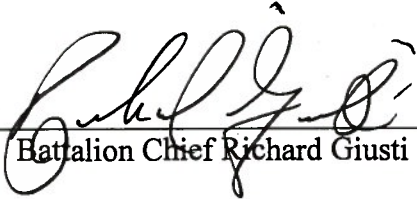
Fire Chief Charles N. Hood

4/4/2018  
Date


15:15  
Time

**NOTICE OF RIGHT OF APPEAL**

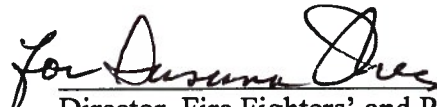
I hereby acknowledge receipt of a copy of the foregoing five day suspension without pay and further acknowledge that I have been notified that I have ten days to file a written appeal of this suspension with the Fire Fighters' and Police Officers' Civil Service Commission for hearing before the Commission or an independent third party hearing examiner. I also understand that if I appeal to the hearing examiner, I waive all rights of appeal to a District Court, except as provided by subsection (j) of Section 143.057 of Title 5, V.T.C.A. Local Government Code.

      4/4/2018      15:15  
Battalion Chief Richard Giusti      Date      Time

WITNESSED BY:

      4-4-2018      15:15  
Signature      Date      Time

FILED on this the 4 day of April, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

  
Director, Fire Fighters' and Police Officers' Civil Service Commission

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CITY OF

**LEAVE FORFEITURE FOR SUSPENSION REQUEST**

Name: Richard Guisti

Rank: District Chief SAP No.: 110836

Length of Suspension: 5 Days Date Issued: April 4, 2018

I acknowledge that Section 2 of Article 27 of the collective bargaining agreement provides that (1) an employee may only forfeit leave in lieu of serving a disciplinary suspension where the suspension is agreed to by the employee and (2) no appeal to the civil service commission or to arbitration may be instituted on suspensions where an employee has forfeited leave.

I hereby agree to the above-referenced disciplinary suspension and request to forfeit leave in lieu of serving said suspension.

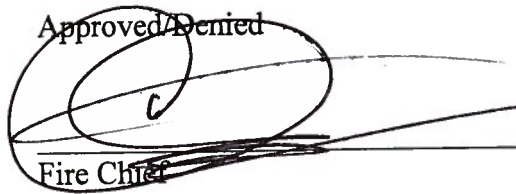
Leave Forfeited:

Vacation Amount: 48 hrs.

Holiday Amount: \_\_\_\_\_

  
Employee's Signature

4/4/2018  
Date

Approved/Denied  
  
Fire Chief

4/4/2018  
Date

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