

RELEASE AND SETTLEMENT AGREEMENT

CITY OF

SAN ANTONIO HR

APR 12 '18 3:54PM

WHEREAS, Fire Engineer Evan L. Doege was issued an indefinite suspension on 4/12/18, by Fire Chief Charles N. Hood for violations of civil service rules and regulations of the San Antonio Fire Department as stated in the notice of suspension; and

WHEREAS, Fire Engineer Evan L. Doege has the right to appeal, but has not yet appealed, said suspension to the San Antonio Firefighters and Police Officers Civil Service Commission or a third-party arbitrator; and

WHEREAS, Chief Hood and Fire Engineer Doege have agreed to settle this disciplinary matter;

NOW THEREFORE:

FOR AND IN CONSIDERATION OF THE AGREEMENTS CONTAINED HEREIN:

SECTION 1. Fire Engineer Evan L. Doege admits that he violated the rules of the Fire Fighters' and Police Officers' Civil Service Commission and of the San Antonio Fire Department set out in the Notice of Indefinite Suspension issued on 4/12/18, and admits to the truth of the facts stated in the factual basis in said notice of indefinite suspension.

SECTION 2. The aforementioned indefinite suspension without pay of Fire Engineer Doege is hereby reduced to a thirty day suspension without pay beginning 4/14/18, 2018.

SECTION 3. Fire Engineer Doege agrees that engaging in any conduct, on or off duty, which is violative of the Rules and Regulations of the San Antonio Fire Department including but not limited to the requirement to not commit any act tending to bring reproach or discredit to himself or the Department, and the requirement to communicate the truth at all times after the execution of this agreement shall constitute the resignation of Fire Engineer Doege from the San Antonio Fire Department and employment with the City of San Antonio.

SECTION 4. On or about October 23, 2017, Fire Engineer Doege was arrested and charged by the New Braunfels Police Department for evading arrest. Fire Engineer Doege shall provide written notice to the Fire Chief of any hearing or proceeding, and the outcome of the hearing or proceeding, conducted in connection with the aforementioned criminal incident. Said notification must be provided within 10 business days after the hearing or proceeding. Additionally, Fire Engineer Doege shall provide written notice to the Fire Chief of any resolution, and the nature of the resolution, of any criminal prosecution pursued against him in connection with the aforementioned incident. Said notification must be provided within 10 business days after the resolution of the criminal prosecution. Fire Engineer Doege agrees to the imposition of a five-day suspension without pay for any instance in which he fails to comply with this section. Fire Engineer Doege waives his right to appeal the imposition of discipline issued pursuant to this section and agrees that he will not file an appeal of any disciplinary action so taken.

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SECTION 5. IT IS FURTHER AGREED AND UNDERSTOOD THAT BY EXECUTION OF THIS AGREEMENT, AND IN CONSIDERATION OF SAID REDUCTION OF DISCIPLINE, FIRE ENGINEER DOEGE DOES HEREBY RELINQUISH AND WAIVE ANY RIGHT TO APPEAL SAID SUSPENSION TO THE FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION, A THIRD-PARTY ARBITRATOR, THE DISTRICT COURT, OR ANY OTHER COURT HAVING COMPETENT JURISDICTION AND THAT THIS AGREEMENT IS INTENDED TO BE A FULL AND FINAL SETTLEMENT OF ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, WHETHER KNOWN OR UNKNOWN, WHETHER ASSERTED OR NOT HAVING YET BEEN ASSERTED, ARISING OUT OF THE AFORESAID SUSPENSION.

SECTION 6. FIRE ENGINEER DOEGE, FOR HIMSELF, HIS HEIRS, EXECUTORS, AND ASSIGNS, DOES HEREBY RELEASE, DISCHARGE, AND ACQUIT THE CITY OF SAN ANTONIO, TEXAS, ITS SUCCESSORS, ASSIGNS, OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES, AND CHARLES N. HOOD, HIS HEIRS, EXECUTORS, ASSIGNS, AGENTS, SERVANTS, AND EMPLOYEES, FROM ANY AND ALL ACTIONS, CAUSES OF ACTION, INCLUDING THOSE ARISING OUT OF CHAPTER 554 OF THE TEXAS GOVERNMENT CODE, CLAIMS, OR DEMANDS FOR DAMAGES, COSTS, EXPENSES, COMPENSATION, OR CONSEQUENTIAL DAMAGES, KNOWN OR UNKNOWN, ASSERTED OR NOT, ARISING OUT OF THE AFORESAID SUSPENSION.

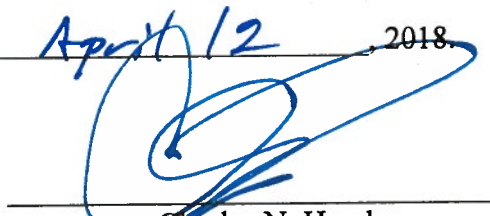
SECTION 7. Should there be any contention, now or in the future, that the terms of this agreement conflict with or are inconsistent with those of the Collective Bargaining Agreement between the City of San Antonio and Local 624 International Association of Fire Fighters, which was executed on June 27, 2011, Fire Engineer Doege agrees that the provisions of this agreement prevail.

SECTION 8. Fire Engineer Doege acknowledges that he has been given an opportunity to review this agreement with the International Association of Fire Fighters, Local 624, and his attorney or other representative. Fire Engineer Doege acknowledges that he has carefully read this Release and Settlement Agreement, he knows and understands the contents of the agreement, and he is satisfied with the contents of the agreement.

EXECUTED IN DUPLICATE ORIGINALS on April 12, 2018.



Evan L. Doege
Fire Engineer



Charles N. Hood
Fire Chief

NOTICE OF INDEFINITE SUSPENSION WITHOUT PAY

CITY OF

SAN ANTONIO HR

APR 12 '18 3:53PM

Fire Engineer Evan L. Doege
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

Commissioners and Fire Engineer Evan Doege:

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 Fire Engineer Evan L. Doege from the San Antonio Fire Department without pay for an indefinite period, beginning on the 12 day of April, 2018.

Fire Engineer Doege 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 Fire Engineer Doege 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 Fire Engineer Doege 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 Fire Engineer Doege has violated are as follows:

2.02 ABIDE BY LAWS AND DEPARTMENTAL ORDERS:

- A. LAWS: Members shall abide by the laws of the United States and the State of Texas, and ordinances of the City of San Antonio.
- 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.

- 3.01 CONDUCT AND BEHAVIOR: Members, whether on-duty 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.
- 4.02 TRUTHFULNESS OF MEMBERS: Members shall speak the truth at all times. Reports and written communications from any Member shall also reflect the truth.
- 4.07 NEGATIVE PUBLIC IMAGE: Members shall not engage in any activity tending to create a negative public perception of the Fire Department.
- 4.08 INAPPROPRIATE BEHAVIOR: Gambling, fighting, offensive language, offensive behavior and/or belligerent or quarrelsome conduct, is strictly prohibited.

The acts committed by Fire Engineer Doege which violated the aforementioned Civil Service Rules and Fire Department Rules are as follows:

On or about October 22nd, 2017, while off duty, the New Braunfels Police Department was dispatched to Fire Engineer Evan L. Doege's neighbor's home in response to a disturbance in progress. His neighbor informed the police that he was intoxicated and keyed a silver 2014 Acura TXLP and used a screw driver to punch out the back window of a 2015 Jeep Grand Cherokee. When police arrived at the scene, they engaged in pursuit of Fire Engineer Doege on foot as he attempted to run away from the officers, scale a neighbor's fence, run through the front yard and towards the roadway. He eventually came to a stop at the corner of Sun Gate and Long Gate and was placed in custody. Fire Engineer Doege then admitted to punching out the vehicle's back window which resulted in his being cut in the arm. Fire Engineer Doege was transported to Guadalupe County Jail where he was booked on a charge for evading arrest on or about October 23rd, 2017. In a letter dated December 1st, 2017, addressed to Chief Granato, Fire Engineer Doege asserted that he had not engaged in a physical confrontation, and omitted the fact that he had been drinking and had damaged two vehicles. Further, Fire Engineer Doege stated that he was not attempting to evade the police. His actions bring reproach upon himself and the San Antonio Fire Department.

Fire Engineer Doege's violation of the cited rules is the basis for these charges and the reason for his indefinite suspension without pay.

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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

4/12/18
Date

1435
Time

NOTICE OF RIGHT OF APPEAL

CITY OF

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APR12 '18 3:53PM

I hereby acknowledge receipt of a copy of the foregoing indefinite 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.


Fire Engineer Evan L. Doege

4/12/18
Date

1435
Time

WITNESSED BY:


Signature

4-12-2018
Date

14:35
Time

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


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