

Officer Austin T. Wilke, #1395
San Antonio Police Department
San Antonio, Texas

CITY OF
SAN ANTONIO HR
APR 6 '18 11:05AM

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

AGREED SUSPENSION

Gentlemen and Officer Austin T. Wilke:

WHEREAS, Officer Austin T. Wilke, 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 24, 2018, with a contemplated five-day suspension; and

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

WHEREAS, Officer Wilke and Chief McManus have agreed that the discipline in this matter shall be a five-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Wilke shall be suspended without pay from the San Antonio Police Department for a period of two days, commencing on April 6, 2018, and ending on April 7, 2018. The remaining three days of Officer Wilke's five-day suspension shall be held in abeyance for a period of one year. If Officer Wilke is not involved in a chargeable accident for a period of one year commencing on January 15, 2018, the remaining three days will be vacated, and he will receive one day back from the two-day suspension he will serve from April 6, 2018 through April 7, 2018. Officer Wilke 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 Wilke 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 Wilke 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 Wilke 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
APR 03 2018
SAN ANTONIO POLICE DEPARTMENT


On or about January 15, 2018, at approximately 10:43 p.m., while on duty and operating a city-owned vehicle in the 300 block of Frio City Road, Officer Austin T. Wilke negligently struck a vehicle.


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The level of this suspension is based upon Officer Wilke's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.17 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.

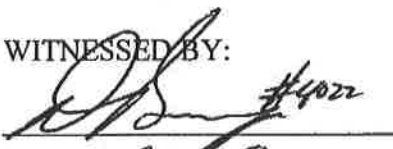
AGREED TO BY:  MAR 19 2018
 WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
 SAN ANTONIO POLICE DEPARTMENT


 1395 3-31-18 1714
 OFFICER AUSTIN T. WILKE, #1395 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.

 1395
 OFFICER AUSTIN T. WILKE, #1395
 SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

 #4022 TIME: 1715 DATE: 03-31-18

 #3294 TIME: 1715 DATE: 3-31-18

FILED on this the 6th day of April, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

 Yvette Ramirez (for)
 DIRECTOR, FIRE FIGHTERS' AND POLICE
 OFFICERS' CIVIL SERVICE COMMISSION