

Officer Gerald Rodriguez, #0740
San Antonio Police Department
San Antonio, Texas

AUG 29 '18 10:50AM

CITY OF

SAN ANTONIO TX

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

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 August 13, 2018, with a three-day contemplated suspension; and

WHEREAS, Officer Rodriguez and his captain, Randall Smith, have agreed and Chief McManus has approved of settling this matter with a three-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 three days, commencing on September 10, 2018, and ending on September 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:

RULE 4.03 - REQUIREMENT TO TAKE ACTION: On-duty members are required to take prompt and effective police action conforming to departmental policies with respect to violations of laws and ordinances and matters affecting public safety coming to their attention, or of which they have knowledge.

LEGAL ADVISOR'S OFFICE
AUG 27 2018

SAN ANTONIO POLICE DEPARTMENT

RULE 4.09 - DUTY TO REPORT CRIMES: Members receiving or possessing facts or information relative to a criminal offense shall not conceal, ignore, distort, or retain such facts or information, and will report such facts. Members will have a continuing duty to report facts and information relative to criminal offenses until the criminal offense has been reported through proper channels.

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

On or about June 14, 2018, Officer Gerald Rodriguez was dispatched to a family disturbance call involving a brother and sister. When Officer Rodriguez arrived at the residence, he was told by the brother (complainant) that his sister had a warrant. Officer Rodriguez proceeded to get the sister's name and date of birth and was even told by the sister herself that she had missed a court date. Despite this information, Officer Rodriguez failed to conduct a warrant check and failed to arrest the sister, who had an active warrant for Assault Family Violence.

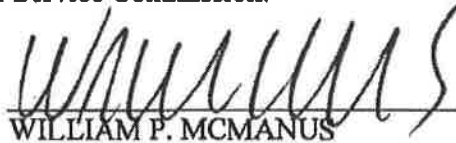
AUG29 '18 10:50AM

CITY OF

SAN ANTONIO HR

A copy of the instant disciplinary suspension order is being filed with the Fire Fighters' and Police Officers' Civil Service Commission.

AGREED TO BY:



WILLIAM P. MCMANUS
CHIEF OF POLICE
SAN ANTONIO POLICE DEPARTMENT

8-21-18
DATE

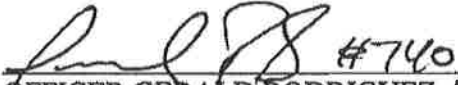


#740
OFFICER GERALD RODRIGUEZ, #0740
SAN ANTONIO POLICE DEPARTMENT

8-25-18 0610
DATE TIME

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.

 #740
OFFICER GERALD RODRIGUEZ, #0740
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

Harold J. J. #4057 TIME: 0610 DATE: 08/27/2018
M. R. [Signature] TIME: 0618 DATE: 8.25.18

FILED on this the 29 day of August, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.


DIRECTOR, FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION

AUG29 '18 10:50AM

CITY OF

SAN ANTONIO HR


**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 | TRANS DATE | | | BEGIN DATE | | | END DATE | | |
|---|------------|----|----|------------|----|----|----------|----|----|
| | MO | DA | YR | MO | DA | YR | MO | DA | YR |
|  | 08 | 20 | 18 | 09 | 10 | 18 | 09 | 12 | 18 |

NARRATIVE REMARKS: Agreed Three-Day Suspension

AUG29 '18 10:56AM

CITY OF

AUTHORITY: Written Order of the Chief of Police

SAN ANTONIO HR

 #740
EMPLOYEE

8-25-18
DATE


DEPARTMENT HEAD

08/21/18
DATE

LEGAL ADVISOR'S OFFICE
AUG 27 2018
SAN ANTONIO POLICE DEPARTMENT