

NOTICE OF INDEFINITE SUSPENSION WITHOUT PAY

Probationary Firefighter Samuel Handowski
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

AUG 10 '18 9:56AM

CITY OF

SAN ANTONIO HR

Commissioners and Probationary Firefighter Samuel Handowski:

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 Probationary Firefighter Samuel Handowski from the San Antonio Fire Department without pay for an indefinite period, beginning on the 9 day of August, 2018.

Probationary Firefighter Samuel Handowski 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 Probationary Firefighter Handowski 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 Probationary Firefighter Handowski 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 Probationary Firefighter Handowski has violated are as follows:

The acts described above constitute a violation of the following Fire Department rules:

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.

- 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.
- 3.05 RESPECT FOR SUPERVISORY OFFICERS: Members shall exhibit respect for supervisory officers at all times.
- 4.01 INSUBORDINATION: Members shall not engage in acts of insubordination. Defying the authority of any supervisory officer by obvious disrespect, disputing his orders, or failure or deliberate refusal to obey any lawful order given by him shall be deemed insubordination.
- 7.01 OBEY LAWFUL ORDERS: Members shall obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the dispatcher. Such obedience shall be prompt and willing.

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The acts committed by Probationary Firefighter Samuel Handowski which violated the aforementioned Civil Service Rules and Fire Department Rules are as follows:

On or about May 31st, 2018, Probationary Firefighter Samuel Handowski was working on Engine 33 and responsible for performing a training evolution. Engineer Javier De Los Santos was the acting officer in charge of facilitating this training. During the course of this exercise, Probationary Firefighter Handowski and another probationary firefighter were tasked with pulling five inch hose and connecting it to a hydrant, and then pulling the rear two inch preconnect and advancing more hose. Probationary Firefighter Handowski and the other probationary firefighter were issued direct orders by the acting officer to advance more hose. Probationary Firefighter Handowski failed to acknowledge or comply with these orders. When Captain Valdez, the Acting Battalion Chief, repeated the order to him, instead of providing a response, Probationary Firefighter Handowski got up to regroup and then proceeded to take his equipment off. Upon seeing this, Captain Valdez directed Probationary Firefighter Handowski to get the rest of the hose past the entry point. Probationary Firefighter Handowski ignored his requests multiple times before he retrieved a loop of hose and aggressively threw it past the entry point. The acting officer also asked Probationary Firefighter Handowski to swap his SCBA bottle after his vibra-alert went off and Probationary Firefighter Handowski subsequently ignored him. At this juncture in the training, he discontinued obeying orders from the acting officer and failed to complete

the exercise. His actions bring reproach upon himself and the San Antonio Fire Department.

Probationary Firefighter Samuel Handowski's violation of the cited rules is the basis for these charges and the reason for his indefinite 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

8/9/18
Date

1600
Time

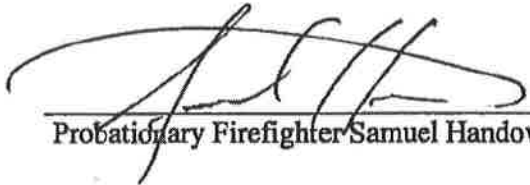
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NOTICE OF NO RIGHT OF APPEAL

I hereby acknowledge receipt of a copy of the foregoing indefinite suspension without pay. I further acknowledge that I have been notified that pursuant to the Collective Bargaining Agreement dated June 27th, 2011, Article 33 entitled Fire Fighter Trainees and Fire Fighter Probation, Section 2, I have no right to appeal this indefinite suspension through either the grievance procedure or to the Fire Fighter and Police Civil Service Commission.



Probationary Firefighter Samuel Handowski 08-09-2018 16:00
Date Time

WITNESSED BY:



Signature 8/9/18 1600
Date Time

FILED on this the 10 day of August, 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.



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

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RELEASE AND SETTLEMENT AGREEMENT

WHEREAS, Probationary Firefighter Samuel Handowski was issued an indefinite suspension on August 9, 2018, 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, Probationary Firefighter Samuel Handowski has acknowledged that he has no right to appeal said suspension pursuant to Collective Bargaining Agreement between the City of San Antonio and Local 624 International Association of Fire Fighters, executed on June 27, 2011, as delineated in Article 33, Section 2; and

WHEREAS, Chief Hood and Probationary Firefighter Samuel Handowski have agreed to settle this disciplinary matter; **NOW THEREFORE:**

FOR AND IN CONSIDERATION OF THE AGREEMENTS CONTAINED HEREIN:

SECTION 1. Probationary Firefighter Samuel Handowski 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 Aug 9 2018 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 Probationary Firefighter Samuel Handowski is hereby reduced to a forty-five day suspension without pay beginning August 11, 2018.

SECTION 3. Probationary Firefighter Samuel Handowski agrees that for a period of twenty four (24) months following the date he returns to his position as a Probationary Firefighter, if he engages in any misconduct which results in disciplinary action as defined by Chapter 143 of the Texas Local Government Code, he will be subject to automatic termination from the San Antonio Fire Department and employment with the City of San Antonio.

SECTION 4. Probationary Firefighter Samuel Handowski agrees that for a period of twenty four (24) months following the date he returns to his position as a Probationary Firefighter, the Fire Chief is authorized and has sole discretion to determine the location of his assignment.

SECTION 5. IT IS FURTHER AGREED AND UNDERSTOOD THAT BY EXECUTION OF THIS AGREEMENT, AND IN CONSIDERATION OF SAID REDUCTION OF DISCIPLINE, PROBATIONARY FIREFIGHTER SAMUEL HANDOWSKI ACKNOWLEDGES THAT HE DOES NOT POSSESS 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

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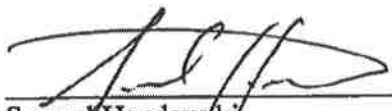
UNKNOWN, WHETHER ASSERTED OR NOT HAVING YET BEEN ASSERTED, ARISING OUT OF THE AFORESAID SUSPENSION.

SECTION 6. PROBATIONARY FIREFIGHTER SAMUEL HANDOWSKI, 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.

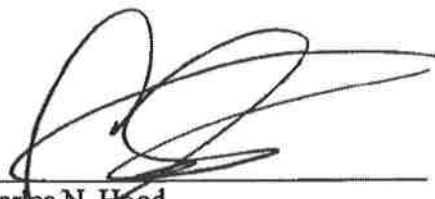
SECTION 7. Should there be any contention, now or in the future, that the terms of this agreement conflict with or are inconsistent with those of the Collective Bargaining Agreement between the City of San Antonio and Local 624 International Association of Fire Fighters, which was executed on June 27,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

SECTION 8. Probationary Firefighter Samuel Handowski 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. Probationary Firefighter Samuel Handowski 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 August 9, 2018.



Samuel Handowski
Probationary Firefighter



Charles N. Hood
Fire Chief

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