

Officer Jacob A. Barcena, #0046
San Antonio Police Department
San Antonio, Texas

CITY OF

SAN ANTONIO HR

SEP26 '18 10:19AM

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

AGREED SUSPENSION

Gentlemen and Officer Jacob A. Barcena:

WHEREAS, Officer Jacob A. Barcena, 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 September 1, 2018, with a three-day contemplated suspension; and

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

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

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Barcena shall be suspended without pay from the San Antonio Police Department for a period of three days. The three-day suspension of Officer Barcena shall be held in abeyance for a period of one year, after which time the suspension will be vacated. Officer Barcena shall serve the suspension if he is involved in another chargeable traffic accident within one year of June 10, 2018. Officer Barcena 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 Barcena 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 Barcena 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 Barcena 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
SEP 25 2018
SAN ANTONIO POLICE DEPARTMENT

On or about June 10, 2018, at approximately 4:10 a.m., while on duty and operating a city-owned vehicle in the 7300 block of S. Zarzamora Street, Officer Jacob A. Barcena negligently struck a center median.

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The level of this suspension is based upon Officer Barcena's cumulative point total for this accident and other chargeable accidents within the twenty-four month period prior to this accident as per Procedure 303.16 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: WPMMS SEP 19 2018

WILLIAM P. MCMANUS, CHIEF OF POLICE DATE
 SAN ANTONIO POLICE DEPARTMENT

Jacob Barcena #46 9/21/2018 2037
OFFICER JACOB A. BARCENA, #0046 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.

Jacob Barcena #46
OFFICER JACOB A. BARCENA, #0046
 SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 3158 TIME: 2037 DATE: 9-21-18
Michael Vaughan TIME: 2038 DATE: 9-21-18

FILED on this the 26th day of Sept., 2018, with the Fire Fighters' and Police Officers' Civil Service Commission.

[Signature]
 DIRECTOR, FIRE FIGHTERS' AND POLICE
 OFFICERS' CIVIL SERVICE COMMISSION