

Officer Edward Vargas, #1018  
San Antonio Police Department  
San Antonio, Texas

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

JAN 15 '19 11:09AM  
CITY OF  
SAN ANTONIO HR

### AGREED SUSPENSION

Commissioners and Officer Edward Vargas:

**WHEREAS**, Officer Edward Vargas, 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 December 19, 2018, with a one-day contemplated suspension; and

**WHEREAS**, Officer Vargas and his captain, Randall Smith, have agreed and Chief McManus has approved of settling this matter with a one-day suspension without pay; **NOW THEREFORE**:

The undersigned parties hereby enter into this suspension agreement wherein it is provided that Officer Vargas shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on January 28, 2019, and ending on January 28, 2019. Officer Vargas 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 Vargas 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 Vargas 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 Vargas has violated are as follows:

**RULE 3.03 - OBEY LAWFUL ORDERS:** Members shall promptly and willingly obey all lawful orders and directions given by supervisory officers and shall comply with instructions given by the police dispatcher. (A) **INSUBORDINATION:** Defying the authority of any supervisory officer by obvious disrespect, disputing orders, failure and/or deliberate refusal to obey any lawful order given by them shall be deemed insubordination.

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

On or about November 6, 2018, Officer Edward Vargas was advised by his direct supervisor, Sergeant Matthew Overton, to amend a use of force report related to SAPD18188857. Sergeant Overton advised Officer Vargas that the report had been returned by Captain Smith. On or about November 9, 2018, Officer Vargas had yet to follow said order. After roll-call on or about November 9, 2018, Officer Vargas was again

LEGAL ADVISOR'S OFFICE

JAN 14 2019

SAN ANTONIO POLICE DEPARTMENT

advised to make the amendments. It took Officer Vargas two additional hours into his patrol shift on this date to complete his orders.

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

AGREED TO BY:

WPM  
WILLIAM P. MCMANUS  
CHIEF OF POLICE  
SAN ANTONIO POLICE DEPARTMENT

JAN 08 2019

DATE

[Signature]  
OFFICER EDWARD VARGAS, #1018  
SAN ANTONIO POLICE DEPARTMENT

1-10-19 0925  
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.

[Signature]  
OFFICER EDWARD VARGAS, #1018  
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] #3286 TIME: 0927 DATE: 01/10/19  
[Signature] #3283 TIME: 0927 DATE: 01.10.19

FILED on this the 15 day of January, 2019, with the Fire Fighters' and Police Officers' Civil Service Commission.

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

JAN 15 '19 11:03AM  
CITY OF  
SAN ANTONIO HR

**CITY OF SAN ANTONIO  
NOTICE OF SUSPENSION**

**\*OFFICER MUST SIGN THIS FORM EVEN IF FORFEITING TIME\***

EMPLOYEE NAME: Officer Edward Vargas, #1018


UNIT OF ASSIGNMENT: SPA

JOB CLASS NO. AND DEPARTMENT: 0600 Police

SAP NUMBER	<u>TRANS DATE</u>			<u>BEGIN DATE</u>			<u>END DATE</u>		
	MO	DA	YR	MO	DA	YR	MO	DA	YR
<div style="background-color: black; width: 100px; height: 20px; margin: auto;"></div>	01	07	19	01	28	19	01	28	19

NARRATIVE REMARKS: Agreed One-Day Suspension

AUTHORITY: Written Order of the Chief of Police

  
\_\_\_\_\_  
EMPLOYEE

1-10-19  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DEPARTMENT HEAD

JAN 08 2019  
\_\_\_\_\_  
DATE

JAN 15 10 11 AM '19  
CITY OF  
SAN ANTONIO HR

LEGAL ADVISOR'S OFFICE  
JAN 14 2019  
SAN ANTONIO POLICE DEPARTMENT