

Officer Jose E. Portillo, #1174
San Antonio Police Department
San Antonio, Texas

CITY OF

SAN ANTONIO HR

FEB 14 '19 10:41AM

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

AGREED SUSPENSION

Commissioners and Officer Jose E. Portillo:

WHEREAS, Officer Jose E. Portillo, 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 January 24, 2019, with a one-day contemplated suspension; and

WHEREAS, Officer Portillo and his captain, Renee Gallegos, 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 Portillo shall be suspended without pay from the San Antonio Police Department for a period of one day, commencing on February 20, 2019, and ending on February 20, 2019. Officer Portillo 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 Portillo 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 Portillo 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 Portillo has violated are as follows:

PROCEDURE 403 - COMMUNICATIONS (.09)
RESPONSIBILITIES (B) UNIFORM PERSONNEL (2)
Continuously monitors assigned frequencies and promptly responds when called by the dispatcher throughout the tour of duty.

LEGAL ADVISORS OFFICE
FEB 12 2019
SAN ANTONIO POLICE DEPARTMENT

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

On or about December 23, 2018, Officer Jose E. Portillo was advised by Sergeant Steven Grover after roll call about the importance of monitoring his radio and responding to the dispatcher. Sergeant Grover had previously noticed, and was informed by the dispatcher, that at times Officer Portillo failed to respond to initial calls from the dispatcher. Afterwards, the dispatcher attempted to assign Officer Portillo to a call at 6:42 a.m., but Officer Portillo did not acknowledge the call over the air. The dispatcher called Officer Portillo again, but this time by call sign and name, and Officer Portillo still did not respond. The dispatcher E-toned Officer Portillo and still he did not answer. When officers finally located Officer Portillo at a convenience store, it was determined that Officer Portillo had failed to turn on his radio.

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 JAN 31 2019

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

[Signature] 2-9-19 0631

OFFICER JOSE E. PORTILLO, #1174 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.

CITY OF

SAN ANTONIO HR
FFR14 '19 10:42AM

[Signature] 1174
OFFICER JOSE E. PORTILLO, #1174
SAN ANTONIO POLICE DEPARTMENT

WITNESSED BY:

[Signature] 3242
[Signature] was

TIME: 0631 DATE: 2-9-19
TIME: 0631 DATE: 02-9-19

FILED on this the 14th day of Feb., 2019, with the Fire
Fighters' and Police Officers' Civil Service Commission.

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