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MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Mark Washington, Director of Civil Service

FROM: Art Acevedo, Chief of Police

DATE: January 27, 2012

SUBJECT: Temporary Suspension of Detective Robert Bowers #2082
Internal Affairs Control Number 2011-1147

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighter's and Police Officer's Civil Service Commission, I have temporarily suspended Detective Robert Bowers #2082 from duty as a police officer of the City of Austin, Texas, for a period of three (3) days. The temporary suspension is effective beginning on ~~January 28~~^{and FEBRUARY 15}, 2012 and continuing through ~~January 30~~^{FEBRUARY 17}, 2012.

I took this action because Detective Bowers violated Civil Service Commission Rule 10.03, which sets forth the grounds for disciplinary suspensions of employees in the classified service, and states:

No employee of the classified service of the City of Austin shall engage in, or be involved in, any of the following acts or conduct, and the same shall constitute cause for suspension of an employee from the classified service of the City:

- L. Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

The following are the specific acts committed by Detective Bowers in violation of Rule 10:

On September 27, 2011, Detective Bowers did not work but documented 10 regular hours on his timesheet for extra work done the previous week. Detective Bowers did not ask for nor receive permission to flex his time on September 27 for work that he performed the prior week. Detective Bowers also failed to submit an APD Leave Request Form for the leave that he took on September 28 and 29, 2011.

By these actions, Detective Bowers violated Rule 10.03(L) of the Civil Service Rules by violating the following rules and regulations of the Austin Police Department:

➤ **Austin Police Department Policy 955.2: General Attendance Guidelines**

955.2 General Attendance Guidelines

(a) Employees will not be absent from work without prior approval from an immediate supervisor.

1. Unless a different notification is required by a Unit SOP, employees have the responsibility of notifying an immediate supervisor at least one (1) hour prior to the scheduled work start time if they are going to be absent.
2. Employees who fail to report to work at the assigned place and time, or who leave work or an assignment without proper authorization will be subject to disciplinary action.

➤ **Austin Police Department Policy 955.3: General Leave Guidelines**

955.3 General Leave Guidelines

When reviewing leave requests, supervisors will consider the needs of the Department and availability of other personnel before approving the requests.

(a) Employees requesting to use any personal leave (e.g., vacation, exception, compensatory, personal holiday) shall submit the appropriate leave request form to their immediate supervisor for approval.

1. Sworn employees must submit an *APD Leave Request Form* (PD0069A or E). The APD Court Liaison Unit will be notified of sworn employees on approved leave.

finds the charges to be true, there is no authority to mitigate the punishment. If the arbitrator or Civil Service Commission finds the charges to be not true, the officer shall be fully reinstated with no loss of pay or benefit.

Arbitration Costs on Appealable Suspensions

In the event that an officer appeals a 1, 2 or 3 day suspension to arbitration, it is agreed that the party that loses the arbitration shall be responsible for all costs of the arbitrator, including travel and lodging if necessary.

To facilitate such payment on the part of the officer he shall submit, at the time of appeal, a signed payroll deduction agreement that if the arbitrator rules in favor of the City he authorizes up to one hundred dollars (\$100.00) per month to be deducted from his regular pay until such time as what would usually be the City's portion of the arbitrator's costs have been satisfied.

Paul Mungit 1132 for Chief Art Acevedo

Art Acevedo
Chief of Police

1/26/12

Date

TO WHOM IT MAY CONCERN:

I hereby acknowledge receipt of the above and foregoing memorandum of temporary suspension and I have been advised that if I desire to appeal that I have ten (10) days from the date of this receipt to file written notice of appeal with the Director of Civil Service in accordance with the provisions of Chapter 143 of the Texas Local Government Code. I also acknowledge the options set forth in this memorandum of temporary suspension, including my right to waive an appeal of a suspension of three (3) days or less, and my financial and contractual obligations under the Meet and Confer Agreement if I elect to appeal a suspension of three (3) days or less and do not prevail.

Robert Bowers

Detective Robert Bowers #2082

1/27/2012

Date