

ORIGINAL



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 16, 2012

SUBJECT: Temporary Suspension of Corporal Steve Dominguez #0790
Internal Affairs Control Number 2011-1420

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 Corporal Steve Dominguez #0790 from duty as a police officer of the City of Austin, Texas, for a period of one (1) day. The temporary suspension is effective on January 20, 2012.

I took this action because Corporal Dominguez 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 Corporal Dominguez in violation of Rule 10:

On December 26, 2011 at approximately 11:30 a.m., Corporal Dominguez left his fanny pack containing his duty weapon inside a shopping basket at the Kohl's Department Store at 4805 Hwy 290 West. The item was found and turned in to police.

By these actions, Corporal Dominguez 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 803.2.2: Duty Firearms: Safe Handling of Firearms: Storage of Firearms**

803.2.2 Storage of Firearms

Officers shall ensure that all firearms and ammunition are secured in a manner that will keep them inaccessible to children and irresponsible adults while in the officer's possession, home, vehicle, or any other area under the officer's control.

By copy of this memo, Corporal Dominguez is hereby advised of this temporary suspension and that the suspension may be appealed to the Civil Service Commission by filing with the Director of Civil Service, within ten (10) days after receipt of a copy of this memo, a proper notice of appeal in accordance with Section 143.010 of the Texas Local Government Code.

By copy of this memo and as required by Section 143.057 of the Texas Local Government Code, Corporal Dominguez is hereby advised that such section and the Agreement Between the City of Austin and the Austin Police Association provide for an appeal to an independent third party hearing examiner, in accordance with the provisions of such Agreement. If appeal is made to a hearing examiner, all rights of appeal to a District Court are waived, except as provided by Subsection (j) of Section 143.057 of the Texas Local Government Code. That section states that the State District Court may hear appeals of an award of a hearing examiner only on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction or that the order was procured by fraud, collusion or other unlawful means. In order to appeal to a hearing examiner, the original notice of appeal submitted to the Director of Civil Service must state that appeal is made to a hearing examiner.

In addition, if this disciplinary suspension is for three (3) days or less, Corporal Dominguez is advised of the following provisions of Article 18, Section 1, of the Meet and Confer Agreement:

The parties agree that when an officer is suspended for 1, 2, or 3 days the officer may choose one of two methods of dealing with the suspensions as listed below.

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.


Corporal Steve Dominguez #0790

1/16/2012
Date