



## **MEMORANDUM**

### **Austin Police Department *Office of the Chief of Police***

**TO:** Joya Hayes, Director of Civil Service

**FROM:** Brian Manley, Chief of Police

**DATE:** February 3, 2020

**SUBJECT:** Temporary Suspension of Police Officer Glenn Vargas #8346  
Internal Affairs Control Number 2019-0879

Pursuant to the provisions of Chapter 143 of the Texas Local Government Code, Section 143.052, and Rule 10, Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission, I have temporarily suspended Police Officer Glenn Vargas #8346 from duty as a City of Austin, Texas police officer for a period of five (5) days. The temporary suspension is effective beginning on February 4, 2020 and continuing through February 8, 2020.

I took this action because Officer Vargas 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 Officer Vargas in violation of Rule 10:

On August 16, 2019, Officer Vargas called an APD sergeant. During their conversation, Officer Vargas referred to another sworn officer in an inappropriate and derogatory manner. Officer Vargas was questioned by Internal Affairs about his conduct in this case. Officer Vargas acknowledged that his comment was "unprofessional" and "disrespectful." He went on to say his comment was a violation of APD's Personal Conduct general order.

By these actions, Officer Vargas 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 900.3.4: General Conduct and Responsibilities: Personal Conduct**

**900.3.4 Personal Conduct**

- (c) While on-duty or on the premises of City facilities, employees will not:
1. Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications.
  2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.

By copy of this memo, Officer Vargas 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, Officer Vargas is hereby advised that such provides for an appeal to an independent third party hearing examiner. 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.

 3840 for Chief  
B. Manley  
BRIAN MANLEY, Chief of Police

Date 2/3/2020

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) calendar 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.

Glenn Vargas #8346 2/3/20  
Police Officer Glenn Vargas #8326  
8346 GV

2/3/20  
Date