

RQ# 270

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ID# 14537
GCK-601

December 20, 1991

Mr. George Kraehe
Office of the Attorney General
Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

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Opinion Committee

Re: ID#14352

Dear Mr. Kraehe:

In response to your request for additional information regarding the grievance filed by Detective John Guerrero, I am enclosing three documents. The first document is a copy of the relevant portions of the Articles of Agreement between the City of El Paso and the El Paso Municipal Police Officers Association (EPMPOA or Association).

The enclosed provisions from the Agreement relate to the grievance procedure. At this point, Detective Guerrero is at the stage whereby he is bringing the grievance to the Chief of Police. The second document is the paperwork generated so far in response to the grievance. In the event that the grievance is not resolved with the Chief, the next step for Detective Guerrero and the Association would be to proceed to arbitration. In other words, the next step would be litigation.

Also enclosed is a copy of the grievance as filed by Detective Guerrero with the Association. On page 3 of his grievance, Detective Guerrero specifically makes reference to the matter which was the subject of the Internal Affairs investigation, which has been requested by Raul Hernandez. Therefore, the requested documents directly relate to the matter which is in the grievance process at the Police Department and which has a substantial likelihood of becoming litigation. As a result, the requested documents are exempt under Section 3(a)(3) of the Open Records Act in addition to the exemptions which I previously argued in my letter of November 27, 1991.

If you have any questions, or need further information, please let me know.

Very truly yours,

Elaine H. Piper

Elaine H. Piper
Assistant City Attorney
Police Legal Advisor

**ACCOMPANIED BY ENCLOSURES -
FILED SEPARATELY**

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Enclosures