

**HONORABLE BOARD OF POLICE COMMISSIONERS  
SPECIAL MEETING**

APRIL 15, 2014

EAST HAVEN POLICE DEPARTMENT  
471 NORTH HIGH STREET, EAST HAVEN, CT

**COMMISSIONERS PRESENT:** Chairman William Illingworth, Vice Chairman Paul Constantinople, Commissioner Joseph DiSilvestro, Commissioner Dawne Flynn, Commissioner Eduardo Torrealba

**ALSO PRESENT:** Chief Brent Larrabee, Attorney Frank Kolb, Union President Local 1662 Officer Robert Nappe, Council 15 Attorney Kelly Rommel, Troy Raccuia, Danielle Germe, New Haven Register Reporter Evan Lips, Citizens

Meeting called to order at 7:03 PM by Chairman Illingworth.

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Hearing for Grievance 2014-04 (Germe)

Chief Larrabee asked if the grievant intended to bring in any medical testimony that would mandate the public meeting move to executive session to maintain privacy. None has been furnished to counsel nor to the Board. Chairman Illingworth noted that he would leave that decision to the grievant and the Union.

The Board recognizes Attorney Kolb for the Town of East Haven.

Attorney Kolb stated that this grievance was brought in front of the Board, at which time the board granted two days paid administrative leave, continued to this meeting for the sole purpose for determining if additional paid administrative leave should be granted. It is Attorney Kolb's opinion, as the attorney for the Town, that no further paid administrative leave be granted pursuant to a Memorandum of Understanding earlier entered into between the Town of East Haven and the Union that provided the specific reasons under which administrative leave would be granted.

Attorney Kolb stated that administrative leave was granted by a supervisor but not a supervisor in the chain of the grievant's command.

Attorney Kolb further commented that the grievant has not reported to work since February 9; one can only have administrative leave when they are working.

Chairman Illingworth called for any questions of Attorney Kolb. There were none.

Chairman Illingworth asked Chief Larrabee who the grievant's immediate supervisor was at the time. Chief Larrabee responded that in September, when she last worked, her supervisor was Captain Joseph Slane.

Attorney Rommel wanted to respond to one provision for sake of clarification that the interpretation of 'any personnel with supervisory power shall be allowed to place a subordinate on administrative leave' meant it does not have to be a direct supervisor. There was some disagreement about the interpretation of this provision.

Chairman Illingworth called for comment from Chief Larrabee who stated that he denied the original grievance based on the Memorandum of Understanding (MOU) that was brought to them by the Union and was heard by a Labor Agent, and all parties agreed that the application of this particular section of the contract had been misused and abused in the past, which was the premise for the agreement. Further, in section 2 of the provision, there is a real presumption that the person is working, or will work, and as previously stated, Ms. Germe has not been to work since September 12, 2013. It has little implication for the person; it has implication for the general approach to the MOU and the contract language.

Attorney Rommel stated that Detective Germe is only asking to be placed on paid administrative leave until such time she does not fall under the administrative leave portion of the contract. The past practice for the Town of East Haven is that administrative leave has been given very broadly to its employees. Attorney Rommel went on to cite several instances such as spousal issues and divorce, surgeries, family disputes, death in immediate family, personal issues – all for varying lengths of time. The Union is asking that Detective Germe be treated like any other officer, and be allowed, when she falls under the provision, to take advantage of the provision of the collective bargaining agreement.

Chief Larrabee interjected that all instances cited occurred before February 2012 when he was appointed interim Chief. The application of this particular section has been changed since that time to this point. In his time, Ms. Germe has been given five days of paid administrative

leave, another officer was given one day, and an officer recently received ten days for a family matter, all of which were under the strict guidelines of the MOU. The Labor Agent was very clear and everyone understood that we would not go back to those past administrative abuses. To harken those in for the sake of these unfortunate circumstances is disingenuous because they do not occur under the MOU executed in February 2013. Since the signing of the agreement, the application of administrative leave has been by the contract language.

Attorney Kolb further substantiated that all the instances cited by Attorney Rommel preceded the execution of the MOU. He also requested that the Board recognize that Captain Slane was clearly listed as Detective Germe's supervisor on the grievance, which she also signed.

Attorney Rommel commented that Danielle Germe is an asset to the East Haven Police Department, she was a great detective, she wants to continue to be a great detective, and she wants to come back to work. She is just trying to resolve personal issues. It is the attorney's opinion that being unpaid, those personal issues will be exacerbated in the time she is out. She has a goal of coming back to work and that is the ending that she wants – she wants to come back to the East Haven Police Department. She wants to avail herself of the provision like all other officers.

Chief Larrabee interjected that the hearing was at the point where sensitive medical information and empirical evidence needed to be presented to the Board – information that is of crucial importance to this Board in making a determination, and recommended the public hearing move to executive session.

Attorney Rommel again stated that Detective Germe wants to come back and wants to avail herself of the provision like anyone else has in the past while she puts herself in a position to come back to work.

Chief Larrabee stated that he has documentation that indicates that she "will never come back." He asked, "How do we balance that, in fairness to her, in fairness to the Town, in fairness to the contract – how do we balance that?"

Danielle Germe stated that she never said that and it must be a rumor. Chief responded that it was not a rumor, that he had a signed statement from an advocate for Detective Germe.

Chairman Illingworth called for a motion to go into executive session. A motion to go into executive session was made by Vice Chairman Constantinople; seconded by Commissioner DiSilvestro.

Chairman Illingworth was interrupted by a citizen asking to make a personal statement on behalf of Danielle Germe before going into executive session. Chairman Illingworth asked that she identify herself. Mica Notz, stated that she is a paralegal for Employee Rights, LLC and a personal friend – although not here in a professional capacity. Chairman Illingworth denied the request.

All in favor of going into executive session with the Board, Chief Larrabee, Attorney Kolb, Attorney Rommel, grievant and one Union representative. Motion carried. Executive session commenced at 7:18 PM.

A motion was made by Commissioner Torrealba to conclude executive session and return to regular session; seconded by Vice Chairman Constantinople. All those in favor. No one opposed. Motion carried. Regular session resumed at 7:33 PM.

Before entertaining any motions from the Board, Chairman Illingworth allowed for Public Comment:

Mica Notz (12 Stonewall Lane, Branford) – Ms. Notz is a paralegal for Employee Rights, LLC and a personal friend of Danielle Germe. Ms. Notz stated that Danielle Germe came to the firm because of the long history with her family – they grew up together. She wanted to point out that “early on in this process, Danielle was taken out of work, as well all know, under a doctor’s [order]. At that time, I received communication from the Department’s counsel asking if Danielle was attending fitness for duty evaluations so she could return back to the workplace, and we agreed to that. Shortly after, the next communication from the Department’s counsel was a letter informing us that the Department was no longer going to allow her to go for this fitness for duty evaluation. The offer was off the table. As we all know, Danielle Germe cannot return back to work without that fitness for duty evaluation. So since that time, Danielle has been out of work not because she doesn’t want to come back but because the Department has not effectuated any return for her. Not only that but under the American’s with Disability Act, once the Department was notified she is disabled – has a disability – the Department and the Union are supposed to come together and say, what can we do to effectuate her return? What does she need, what accommodation? Can we give her a different office, can we give her a different supervisor, what

accommodation – where was the interactive process? There was none. She hasn't been offered one iota of communication from this Department to say, Danielle, what's it going to take to get you back to this Department, what can we do to help you effectuate that return? There's been no communication. There's been no – she went to go get her own fitness for duty evaluation so she can come back. The Union said the Department won't accept that. But the Department is not offering to allow her to go to their own. She's not out of work because she wants to be home, she's out of work because certain people in here are not letting her come back – they're barricading it, they're blocking it. And you guys are sitting up here listening to a bunch of [expletive], as far as I'm concerned, and since I'm talking as a citizen and not in a legal capacity, I can say those words. You should be ashamed of yourself and Attorney Kolb, you should know the laws. Effectuate the return!"

Frank Germe (16 Leroy Terrace, New Haven) – Father of Danielle Germe. "I've watched my daughter since she first came to this Department and I've heard nothing but praise from fellow officers, people that live in East Haven. It made me proud that my daughter was doing such a good job. I don't know what happened within the Department and I'm sure it's probably none of my business but I've seen my daughter just like break down every day. She loves her job, she's worked hard to get where she is today, and I don't think that the Department is being fair with her at all. Just hold on a second, not legally or anything, but as a parent – that's my [own] thing."

Joanne Germe (16 Leroy Terrace, New Haven) – Stepmother of Danielle Germe. "I'd like to say, she's like my daughter, so take this with my emotion and also as a parent, and I'm a professional – I'm a nurse for 30 years. She's worked so hard. When she became a police officer, she left her children, her husband to go for her training. This town embraced her. The Department embraced her. They embraced her when she was the first female detective. Her husband dies suddenly, all of a sudden, everything that's been on the news about the Town of East Haven, all of a sudden, it falls on her shoulders it seems like. I've seen her cry. She absolutely gives her heart and soul to police work. And, to see that, and to read, I don't know so administrative leave all of a sudden the rules have changed but she's penalized. For what? For doing a good job? For being a good detective? I don't know, for being a woman? I don't know what she's penalized for but it seems she's being penalized for trying to do her job and to keep her town and her citizens. It's just not fair. I don't

know why she's not allowed this. She wants to come back to be a great detective. That's what she was most proud of – that's what she worked for. She wants to do that. Now she has no money coming in. She has to ask her family, of course we're all there for her but that's not the way it's supposed to be. That's in her duties as an officer to be paid until she can get her disability under control and her life back together and that's how it should be, that's just what's fair. And it just seems unfair, and I'm sorry, Chief, you rolled your eyes at everything that that lawyer said and I, not just as her mother but as a citizen sitting here, that was impartial, and he didn't show impartiality and that spoke volumes to me."

Chairman Illingworth thanked everyone for their personal comments and opinions. He further stated that this Board does not make decisions based on personal comments and opinions; they have to base decisions on the law and the rules. He further stated that he has personally known the Germe family since he was a teenager but that does not factor into any decision of the Board.

The matter at hand is whether this Board will grant additional paid administrative leave for Detective Germe beyond the two days previously granted by the Board. Chairman Illingworth asked for comment and a motion from the Board.

Vice Chairman Constantinople addressed Attorney Rommel about coming to the Board last month requesting only two days and said that was it. The two days were granted and now they are before the Board again requesting more paid administrative leave. Attorney Rommel clarified that they were only seeking the two days per the contract, and for the contract to be followed, and that per the second provision, Detective Germe be afforded the hearing for a continuation of paid administrative leave. Vice Chairman Constantinople asked if extended sick leave would be an option.

Attorney Rommel respectfully requested that the Board, within its power, take up a request from Danielle Germe to avail herself of Article VI, Section 4A and petition the Board for an extension of sick days. Chairman Illingworth said that this was not the motion before the Board and restated the current motion.

Mica Notz spoke out of order with her opinion that the Board should grant additional paid administrative leave contingent on a fitness for duty evaluation saying that the Department is not offering it and she cannot come back without it.

Commissioner Torrealba stated that after listening to all the parties and reviewing the information provided by the Union Attorney, the Town Attorney and Chief Larrabee, he would like to make a motion to deny the continuation of paid administrative leave for Detective Germe; seconded by Commissioner Constantinople. Two in favor. No one opposed. Two abstained: Commissioner DiSilvestro and Commissioner Dawne Flynn. Motion carries.

Vice Chairman Constantinople requested the Board consider extended sick time for Detective Germe at another meeting.

Chairman Illingworth adjourned the meeting at 7:45 PM.

Respectfully submitted,

Marsha M. Maldonado

Clerk to the Honorable Board of Police Commissioners