



Preliminary Complaint Form
Chief of Police – Anthony W. Rosa

Employee's Name: Records Specialist Kerbyna Nelson Date: 07/27/2022

P.D. Case/Citation#: I.A. #: 22-05

Alleged Misconduct (Attach additional sheets if necessary):
19.6.2.2.10. Insubordination

Complainant (print): Janice Eusebe - Records Manager Signature: Janice Eusebe

Phone (home/Cell): 954-746-3501 Phone (work): 954-746-3501

Address: 10440 W. Oakland Park Blvd. Sunrise Fl. 33351

Supervisor Receiving Complaint: Michael West - Administrative Lieutenant

Investigation Authorized by: Chief Anthony W. Rosa

Investigation Conducted by: Janice Eusebe I.A. Investigation: No

Findings: [] Unfounded [] Not Sustained [x] Sustained [] Exonerated [] Training

Division Commander: [Signature] 8/15/22 Date: 8/15/22

Deputy Chief: [Signature] 8/25/22 Date: 8/15/22

Recommended Discipline (on Notice of Intent):

Final Disposition: Canceled

Chief of Police: Anthony Rose Date: 8/15/22

In signing this report, I acknowledge only that it has been discussed with me and that I have received a copy. I understand that I may respond verbally or in writing, and that such response will be made part of this report and taken into consideration.

Employee's Signature: [Signature] Date: 9/14/22

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Records Specialist Kerbyna Nelson
Authored by Records Manager Janice Eusebe

Policy Violation:

19.6.2.2.10. Insubordination.

Introduction

The following narrative summarizes the details of:

1. The Records Division's operations, staffing requirements, and scheduling related to staffing shortages.
2. A telephone conversation between Records Specialist John Wolfe and Records Specialist Kerbyna Nelson.
3. A telephone conversation between Records Manager Janice Eusebe and Kerbyna Nelson.

Operations, Staffing Requirements, and Scheduling

The Alpha Shift, also known as the midnight shift, has a minimum staffing level of **two** Records Specialists. The shift begins at 2300 hours and ends the next morning at 0700 hours.

On July 14, 2022, Records Supervisor Omar Sterling identified a staffing shortage for the upcoming July 24, 2022 midnight shift. An additional Records Specialist, on overtime, was required to meet the minimum staffing levels. O. Sterling was able to fill the vacancy by having Kerbyna Nelson work the first half of the shift (2300-0400) and Records Specialist Valorie Quaregna work the second half of the shift (0400-0700). Kerbyna Nelson's acknowledgment of the scheduled overtime is memorialized in a text message exchange with O. Sterling. (*See Attachment A.*)

On July 24, 2022, at approximately 1150 hours, Records Specialist Jessica Randazzo called in sick for Alpha Shift which starts at 2300 hours. At this time, this staffing change left only **one** person working on the shift.

On July 24, 2022, at approximately 1450 hours, Nelson called Teletype and said she would not be coming in for her overtime and offered no explanation. At this time, this staffing change left **nobody** to staff the shift.

Telephone Conversation - Records Specialists John Wolfe and Kerbyna Nelson

Records Specialist John Wolfe, who was trying to fill the vacancy created by J. Randazzo, explained to Nelson if she didn't come in there would be no one available to start the shift. She repeated her stance that she would not be coming in.

Wolfe called me immediately to relay the dilemma. I asked him who was scheduled to work during the oncoming afternoon shift that began at 1500 hours. He said the schedule showed Alyssa Curbelo, who had been there since 0700 hours that morning on overtime, and Mariana Catano. I

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told him to inform Catano to stay over for mandatory overtime to replace Randazzo. I explained that I would call Nelson to find out why she couldn't make it in.

Telephone Conversation - Records Manager Janice Eusebe and Kerbyna Nelson

At 1458 hours, I called Nelson and asked her what was the reason for canceling her overtime. She explained that she was not going to come in because she did not want to be forced to work for 8 hours, she had plans and only had signed up for 5 hours. I told her that she could not refuse to work her prescheduled overtime, she would be considered AWOL. I also explained that Catano would be working 8 hours to replace Randazzo.

She began to yell, in a disrespectful tone, *"I am not coming in and getting stuck because I have things to do"* She added, *"I will work the 5 hours, but I am not coming in if I have to work longer than that"*. I informed her that she still would have to come in and work the overtime she signed up for unless she could get a replacement to fill it. She responded by yelling, *"I don't have to come in if I don't want to and you can't force me to come to work"*. She added angrily, *"I made arrangements for it to be filled because I called Teletype to say I didn't want it anymore!"* I explained to her that this was a career, a real job, and as an essential employee she could not refuse to come to work without consequences.

She replied, *"You are talking to me like you are my mother, if I don't want to come in I don't have to"* I told her to watch her tone and stop yelling. She interrupted and continued to yell, *"I am giving you the same energy you are giving me, you are the one calling me like a crazy person telling me that I have to come to work! Am I being paid for this conversation? I am never working overtime ever again! I will show you guys! You guys keep taking advantage!"* I asked her how had we taken advantage. She yelled, *"I am not going to waste my time explaining anything to you!"* An unknown person commented to her in the background of the call and she responded to them, *"She thinks she is going to make me come to work!"* Upon hearing this, I disconnected the call.

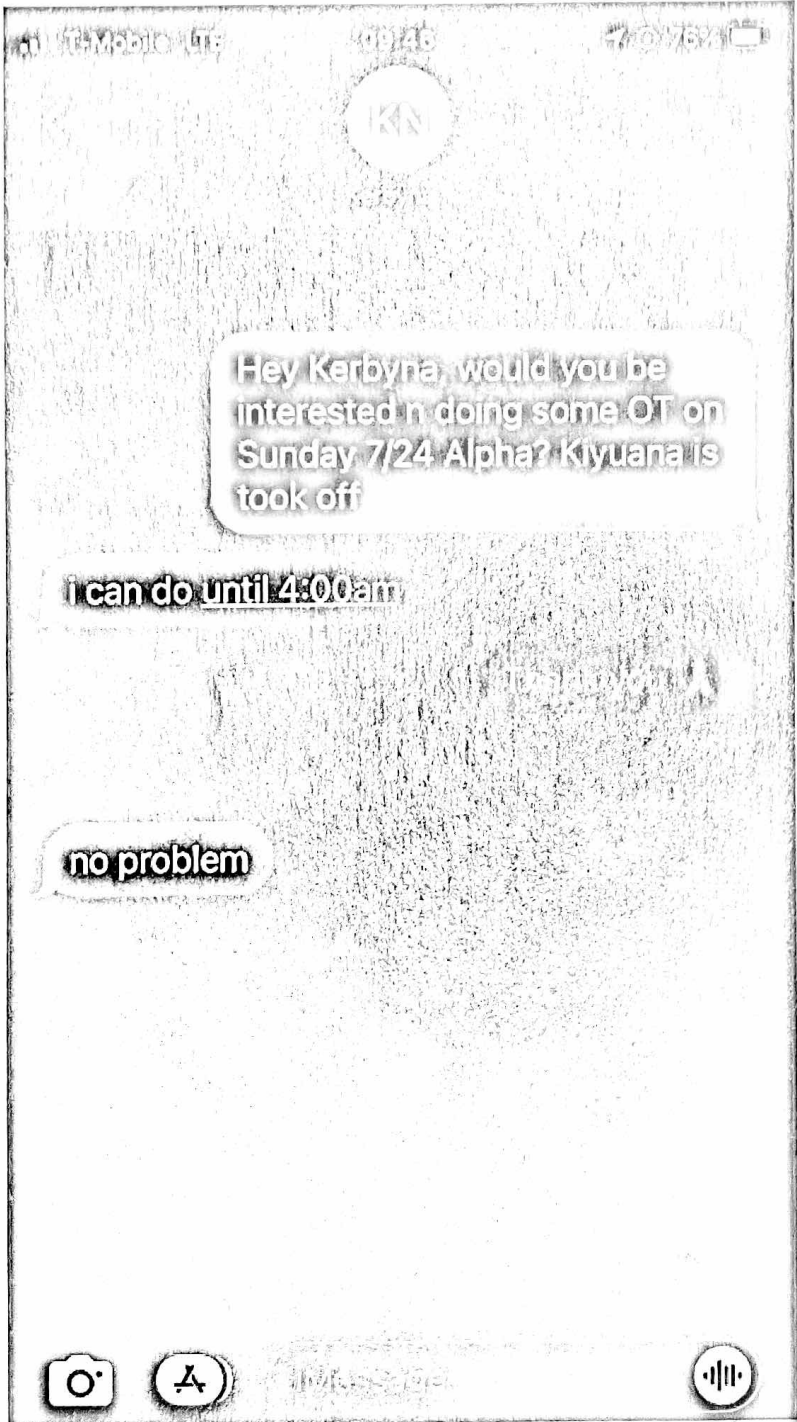
Conclusion

Nelson ultimately arrived for her shift at 2302 hours and worked until 0300 hours.

Insubordination, although not specifically defined in Departmental policy, in the workplace refers to **an employee's intentional refusal to obey an employer's lawful and reasonable orders**. Such a refusal undermines a supervisor's level of respect and ability to manage and, therefore, is often a reason for disciplinary action. Nelson's reaction and behavior as an essential employee for the records unit was completely inappropriate, unwarranted, and in violation of Departmental policies and procedures.

Attachment A: Text message with Supervisor Sterling and Kerbyna Nelson
Attachment B: Schedule

Attachment A



Attachment B

2022	7/18/2022	7/19/2022	7/20/2022	7/21/2022	7/22/2022	7/23/2022	7/24/2022
BRAVO 0700-1500	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Eusebe					X	X	X
Gonzalez 0800-1600						X	X
Quaregna				TTY	TTY	X	X
Anderson-Spence				X	X	VAC	VAC
Wolfe	X	X	VAC	VAC	VAC	TTY	TTY
Weiner						X	X
Jean-Claude	TTY	TTY	TTY	Sick	Sick	X	X
Pollen 8-3	X	X	X	X	X	X	X
Mendoza 8-4	7-4:30	7-4	7-12	7-4	X	X	X
NOTES/OT						Weiner	Curbelo
CHARLIE 1500-2300	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Sterling 1000-1800						X	X
Curbelo	TTY	X	X		TTY		X
Carano			VAC		X	VAC	TTY
Spatafora		TTY		TTY	FH	X	X
Solis	X		TTY			TTY	X
NOTES/OT							
ALPHA 2300-0700	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Martinez	TTY	TTY	TTY	TTY	TTY	X	X
Randazzo				X	X		
Nelson	X					TTY NL	X
Armalin		X	X			FH	FH
NOTES/OT						Solis 11-3 Weiner 3-7	Nelson 11-3 Quaregna 3-7

Carano