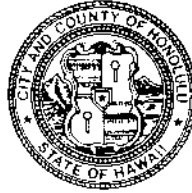


HONOLULU EMERGENCY SERVICES DEPARTMENT
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1869
Phone: (808) 723-7800 • Fax: (808) 833-3934



PETER S. CARLISLE
MAYOR

JAMES I. E. IRELAND, M.D.
DIRECTOR

October 10, 2011

TO: CAROLL COX

FROM: EMPLOYEES OF THE EMERGENCY SERVICES DEPARTMENT

SUBJECT: OVERTIME ABUSE AND IMPROPER CITY ADMINISTRATIVE CONDUCT

Mr. Caroll Cox:

Enclosed you will find a copy of documentation that was sent to State Auditor Marion Higa, Hawaii State Ethics Commission Chairperson Maria Sullivan, Hawaii State Ethics Commission Executive Director Les Kondo, Hawaii State Department of Health Director Loretta Fuddy and Deputy Director Keith Yamamoto.

The enclosed copies are examples of overtime fraud and abuse not only allowed but manifested by ESD Director James Ireland, EMS Chief Patricia Dukes, EMS Assistant Chief Wayne Kruse, former City Corporation Counsel Carrie Okinaga (current chair for Hawaii Authority on Rail Transit) and former Deputy City Corporation Counsel Elisabeth Contrades (former counsel to EMS). We have also enclosed detailed documentation of other examples of unethical and potentially illegal behavior manifested by Director Ireland. The example of Hal Barnes is actually downloaded from your website so you already may be familiar with his situation.

After listening to your radio reports on City overtime fraud and abuse, we felt strongly compelled to send you a copy of our claims as well. Ironically, the City is currently conducting an audit of our department but we feel our concerns and claims will be either be purposely overlooked or disregarded. For the past four fiscal years the City and County of Honolulu, Emergency Services Department's (ESD) operating budget has been exceeded by millions of dollars directly due to the Emergency Medical Services (EMS) Division personnel overtime costs.

If you request the overtime records from our department for the past four fiscal years this will help in substantiating our claims. It may also be beneficial for you to approach the UPW Union Office to obtain the number of grievances filed and settled due to work rule violations. The millions of dollars in overtime cost and abuse is NOT an exaggeration and can easily be substantiated by obtaining these records.

It is also our sincere hope that you investigate these claims as it ultimately is the public's health and safety that are at risk. This is also the very reason why we spent the time and energy in submitting these claims to you. At this time we are choosing to remain anonymous due to the fear of possible retaliation against us by the City.

carrollcox.com, Box 4202, Mililani, HI 96789

BACKGROUND INFORMATION:

Although we are a City and County Department our funding comes directly through the Legislature from the Hawaii State Department of Health's EMS and Injury Prevention Branch (Director Dr. Linda Rosen). Simply put, the State reimburses the City for providing the EMS ambulance services on the island of Oahu.

This means the City has no real vested interest or concern in keeping operational costs within the allocated budget amount. In addition, this cost is absorbed into the State Department of Health's yearly operating budget through the State EMS and Injury Prevention Branch so it is and has been easily overlooked.

In addition, we have made numerous attempts to bring our concerns to Mayor Peter Carlisle, City Ethics Commissioner Chuck Totto, former Corporation Counsel Carrie Okinaga and Deputy Counsel Elisabeth Contrades (appointed as legal counsel to EMS), with no success. The response we received from Mayor Carlisle and Corporation former Counsel Okinaga was "since the City is reimbursed by the State for providing these services it has no direct bearing on the City's financial situation."

This opposition from the City is the very reason why we chose to approach the State Auditor, Marion Higa and the State Ethics Commission with our concerns. This is also part of the reason why we are also choosing to approach the media.

EMS STAFFING OFFICE:

The biggest and most concerning departmental problem is our overtime budget. For the past three to four fiscal years the City's Emergency Medical Services (EMS) operating budget has been exceeded by MILLIONS of dollars due to personnel overtime costs. The millions of dollars in overtime cost/abuse is NOT an exaggeration and can easily be looked into and substantiated.

Director Ireland and EMS Chief Patricia Dukes will say this is simply because "we are short on personnel" and to some extent this is true. However, the real problem lies in the preferential treatment and blatant favoritism that is manifested by Director Ireland and EMS Chief Patricia Dukes.

To clarify, the responsibility for our staffing desk is to ensure that all on duty personnel are properly relieved after their shift and to maintain a proper work schedule for the following day. However, the staffing desk is manned by department field personnel (EMT's or paramedics) who are rotated out of their respective EMS Ambulance Unit to work in the office. This in itself creates an environment for the UPW contract work rules to easily be misunderstood, ignored, overlooked and manipulated since there is no consistency or structure.

What makes this situation even worse is that Director Ireland and Chief Dukes know this and will intimidate the staffing office personnel to ignore or disregard the UPW work rules. One example of this is something called "special assignment" which involves paramedics or EMT's being assigned and paid overtime to "standby" at events such as the Presidential visitation, City events (block parties, parades, Sunset at the Beach, etc.) and private events.

A recent example of this actually took place three weeks ago while we were working the staffing office. Chief Dukes asked for us to assign an employee to "special assignment" duty for the following day. We expressed to her that the seniority work rules need to be followed but Chief Dukes said, "to do as you are told and not to question my decision."

To explain, this "special assignment" work opportunity should be offered to all personnel (the senior employee who is wants and is able to do it should be assigned). However, Director Ireland and Chief Duke's hand pick the personnel and typically it is the same employees almost every time. The biggest concern in all of this is eventually the rest of the department personnel find out that the seniority work rules were not followed. Subsequently a grievance is filed with UPW and the department ends up paying out.

Our union steward has repeatedly brought this to the attention of Director Ireland, Chief Dukes and Assistant Chief Wayne Kruse but is met with a dismissive attitude and the "we got who and what we wanted and we don't care what it costs" response. We have also brought this to the attention of ESD Administrative Officer Lorrie Manasas and her response to us was "if Ireland and Patty allow these things to happen there is little (she) can do."

This is just one example of overtime fraud and abuse within the department. Not to mention, this is just the tip of the iceberg when it comes to the unnecessary waste of millions of dollars in overtime pay, special duty pay, change of shift pay, special assignment pay, per-diem pay and grievance costs.

You can easily substantiate our claims by checking with the Hawaii State Department of Health (State EMS Office), the City's Human Resources Office, the City's Budget and Finance Office or the UPW Union Office. The sheer amount of grievances, settlements, OT pay and SPECIFIC field personnel who earned over six figures will shock you.

[FOR FURTHER CLAIMS PLEASE SEE ENCLOSED DOCUMENTS]

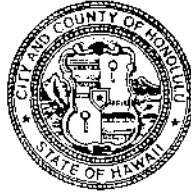
CONTACTS:

Carrie Okinaga, Former Corporation Counsel and current Chair of the Hawaii Authority on Rapid Transit (HART)
Elizabeth Contrades, Deputy Corporation Counsel (768-5119)
Chuck Totto, City Ethics Commissioner (768-7786)
Noel Ono, Director of Human Resources (768-8500)
Robin Chun-Carmichael, Deputy Director of Human Resources (768-8502)
Mark Rigg, ESD Deputy Director (723-7811)
Patricia Dukes, EMS Chief Patricia Dukes (723-7803)
Wayne Kruse, EMS Assistant Chief (723-7805)
Vicki Bentzien, EMS Assistant Chief (723-7809)
Lorrie Manasas, ESD Administrative Service Officer (723-7812)

carrollcox.com

HONOLULU EMERGENCY SERVICES DEPARTMENT
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1869
Phone: (808) 723-7800 • Fax: (808) 833-3934



PETER S. CARLISLE
MAYOR

JAMES H.E. IRELAND, M.D.
DIRECTOR

July 30, 2011

**TO: MARION M. HIGA
STATE AUDITOR**

FROM: EMPLOYEES OF THE EMERGENCY SERVICES DEPARTMENT

**SUBJECT: REQUEST FOR AN IMMEDIATE AUDIT OF THE HONOLULU
EMERGENCY SERVICES DEPARTMENT**

Ms. Higa,

On July 1, 2010, Dr. Jim Ireland was appointed as the director of the City and County of Honolulu's Emergency Services Department. In his short time as director not only has he exhibited unprofessional behavior but more concerning has been his irresponsible fiscal conduct and lack of accountability.

Although we are a city agency, our funding comes directly from the State Legislature through the Hawaii State Department of Health. So we feel this is an issue for the State Auditor to address and not only the City Auditor. We also realize that you audited the Hawaii State Department of Health in 2004 but this would be a specific audit of the State EMS Office and the City's Emergency Services Department.

We have made numerous attempts to bring these concerns to Mayor Peter Carlisle, City Ethics Commissioner Chuck Totto, former City Corporation Counsel Carrie Okinaga and Deputy Counsel Elisabeth Contrades, with no success. The response from Mayor Carlisle and former Corporation Counsel Okinaga was "the City is reimbursed by the State for providing these services so it has no bearing on our financial situation."

Attached you will find documentation as well as information that will assist you in your audit if you choose to pursue one. We have listed names and contact numbers of City Department heads that are not only aware of these claims but actually allowed them to happen.

Although the City is currently conducting an audit of our department we feel that our concerns will be purposely disregarded or ignored. This is why we are begging you and your office to conduct an audit of our department. We are also begging you to keep this letter and document confidential as there will be severe retaliation against us if Director Ireland or the City's administration is made aware of our contact with you.

carrollcox.com, Box 4202, Mililani, HI 96789

3: Using Department Funds to Hire Private Ambulance Company Personnel:

The City's Emergency Medical Services Division ran their Junior Paramedic Program in the months of July and October of 2010.

On the first day of instruction the program participants (13-17 years olds) are given the opportunity to become certified in first aid and cardiopulmonary resuscitation by qualified emergency providers/instructors.

Instead of first offering this work opportunity to qualified instructors/personnel from our EMS division (which was done in ALL the previous years), Director Ireland chose to utilize departmental funds to pay his former employer, American Medical Response (AMR) for resources/personnel to instruct and teach the participants (see attached invoices).

Our concerns:

- 1) Why did Director Ireland pay AMR for services that could have easily been provided by our own department personnel for little or no cost?**
- 2) Why did Director Ireland choose to ONLY use AMR personnel? He could have easily approached and paid personnel from the American Heart Association or the Honolulu Fire Department to provide these services?**
- 3) Why is Director Ireland using city and department money to hire and pay personnel that work for his former employer?**

Again, we feel this behavior is not only unethical but also violates the work agreement contract between the City and UPW employees. Not to mention an irresponsible and possible illegal use of department money.

American Medical Response

Invoice No. T17993

99-840 Iwaiwa St.
Aiea, Hawaii 96701
(808) 487-4900 fax (808) 486-1765

INVOICE

Customer

Name City and County of Honolulu
Address 3375 Koapaka St. Suite H450
City Honolulu State HI ZIP 96819-1814

Date 7/26/2010
Order No.
Rep Dory Clisham
FOB Upon Receipt

Qty	Description	Unit Price	TOTAL
24	Heartsaver AED Cards (class held on 7/26/10)	\$5.00	\$120.00
24	Heartsaver First Aid Cards (class held on 7/26/10)	\$5.00	\$120.00
24	Heartsaver AED Books	\$14.00	\$336.00
24	Heartsaver First Aid Books	\$10.00	\$240.00

Payment Details

- Cash
- Check
- Credit Card

Name
CC #

Expires

SubTotal \$816.00
Shipping & Handling \$0.00
Taxes Hawaii

TOTAL \$816.00

Office Use Only

Original

Thank you for your continued business

American Medical Response

Invoice No. T18608

99-840 Iwaiwa St.
Aiea, Hawaii 96701
(808) 487-4900 fax (808) 486-1765

INVOICE

Customer

Name City and County of Honolulu
Address 3375 Koapaka St. Suite H450
City Honolulu State HI ZIP 96819-1814

Date 10/4/2010
Order No.
Rep Dory Clisham
FOB Upon Receipt

Qty	Description	Unit Price	TOTAL
17	Heartsaver First Aid/HS/CPR (class held on 10/4/10)	\$10.00	\$170.00
17	Heartsaver First Aid/HS/CPR books	\$16.00	\$272.00

Payment Details

- Cash
 Check
 Credit Card

Name
CC #

Expires

SubTotal \$442.00
Shipping & Handling \$0.00
Taxes Hawaii

TOTAL \$442.00

Office Use Only

Original

Thank you for your continued business

1. Department Overtime Budget:

The biggest and most concerning departmental problem is our overtime budget. For the past three to four fiscal years the City's Emergency Medical Services (EMS) operating budget has been exceeded by MILLIONS of dollars due to personnel overtime costs. Rest assured the millions of dollars in overtime cost/abuse is NOT an exaggeration and can easily be looked into and substantiated.

Director Ireland and EMS Chief Patricia Dukes explanation for this is simply that "we are short on personnel" and to some extent that is true. However, the real problem lies in the preferential treatment and blatant favoritism that is allowed and manifested by Director Ireland and EMS Chief Patricia Dukes.

To clarify, the responsibility for our staffing desk is to ensure that all on duty personnel are properly relieved after their shift and to maintain a proper work schedule for the following day. However, the staffing desk is manned by department field personnel (EMT's or paramedics) who are rotated out of their respective EMS Ambulance Unit to work in the office. This in itself creates an environment for the UPW contract work rules to easily be misunderstood, ignored, overlooked and manipulated since there is no consistency or structure.

What makes it even worse is that Director Ireland and Chief Dukes will intimidate the staffing office personnel so that to work rules such as seniority and on duty personnel are ignored or disregarded. One example of this is something called "special assignment" which involves paramedics or EMT's being assigned and paid overtime to "standby" at events such as the Presidential visitation, City events (block parties, parades, Sunset at the Beach, etc.) and private events.

Instead of this opportunity being offered to all department personnel (most senior employee who is wants and is able to do it should be assigned), Director Ireland and Chief Duke's hand pick the personnel. When the rest of the department finds out that the seniority rules were not followed a grievance is filed and the department ends up paying out.

Our union steward has repeatedly brought this to the attention of Director Ireland, Chief Dukes and Assistant Chief Wayne Kruse but is met with a dismissive attitude and the "we got who we wanted and we don't care what it costs" response. We have also brought this to the attention of ESD Administrative Officer Lorrie Manasas and her response to us was "if Ireland and Patty allow these things to happen there is little (she) can do."

In addition, we have also brought this to the attention of Deputy Corporation Counsel Contrades who said she was instructed by former Corporation Counsel Okinaga to ignore the problem since it was a "concern for the State EMS Office to address and not the City's financial concern."

This is just one example and only the tip of the iceberg with regards to the unnecessary waste of millions of dollars in overtime pay, special duty pay, change of shift pay, special assignment pay, per-diem and grievance costs.

You can easily substantiate our claims by checking with the Hawaii State Department of Health (State EMS Office), the City's Human Resources Office, the City's Budget and Finance Office or the UPW Union Office. The sheer amount of grievances, settlements, OT pay and SPECIFIC field personnel who earned over six figures will shock you.

2: Renegotiation of American Medical Response (AMR) Contract:

Dr. Ireland's first priority after being appointed has been the renegotiation of an existing contract that the City has with his FORMER EMPLOYER and private ambulance company American Medical Response (AMR-see attached resume).

The contract states that AMR assist the City's Emergency Medical Services Division during times of high call volume when the City has no ambulances available or when the calls are of very low priority (non-life threatening). The original contract states that AMR be paid by EACH call they are assigned to by the City's EMS dispatch center.

Director Ireland and former Corporation Counsel Okinaga subsequently modified the contract so that AMR is now paid a MONTHLY base salary by our department regardless if they are assigned no calls at all.

Our concerns:

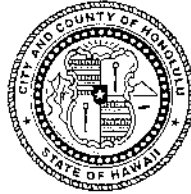
- 1) **Why Director Ireland would chose to rework and reword the contract so AMR is paid a MONTHLY salary regardless if they respond to NO calls at all?**
- 2) **Why Director Ireland would choose to use City money to pay AMR for services that are potentially NOT being provided?**
- 3) **Why would the City's Ethics Commission and Corporation Counsel allow a current City employee to negotiate/re negotiate monetary contracts with his/her former employer?**
- 4) **Why is the City's Emergency Services Department paying a private company that happens to be their direct competitor to provide identical ambulance services for Oahu? This creates an environment ripe for unethical and potentially illegal collusive behavior.**

Ms. Higa, all you would need to do is look at the amount AMR has been paid as well as the volume of calls assigned to AMR over the last several months to a year.

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



July 6, 2010

2010 JUL -6 PM 1:17
ACCEPTED
CITY CLERK
C & C OF HONOLULU

The Honorable Todd Apo, Chairman
and Members
Honolulu City Council
530 South King Street
Honolulu, Hawaii 96813

Dear Chairman Apo and Councilmembers:

In accordance with Section 4-104 of the Revised Charter of the City and County of Honolulu, I am requesting the City Council's confirmation of the following member of my cabinet:

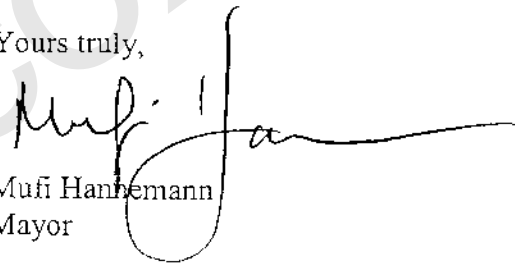
Dr. James H.E. Ireland
Director of Emergency Services

Dr. Ireland's appointment is effective immediately. His resume is enclosed.

I would deeply appreciate your confirmation of his nomination.

With warm regards and aloha,

Yours truly,


Mufi Hannemann
Mayor

Enclosure

MAYOR'S MESSAGE 99

James H.E. Ireland, MD

Employment and Appointments

7/07-Present
Medical Director
American Medical Response Ambulance
99-840 Iwaiwa St
Aiea, HI 96701
487-4900

7/07-Present
Board Member
State of Hawaii Emergency Medical Services Advisory Committee
Honolulu, Hawaii

7/06-Present
Civilian Medical Director
Hickam Fire-Emergency Services
Hickam AFB, HI
(808) 449-8131

1/06-Present
Emergency Physician
Hawaii Medical Center
2230 Liliha Street
Honolulu, HI 96817

8/2005-Present
Assistant Clinical Professor of Medicine
University of Hawaii John A. Burns School of Medicine
1356 Lusitana Street, 7th Floor
Honolulu, HI 96813
(808) 558-4633

5/02-Present
Medical Director
State of Hawaii Department of Transportation Airports Division
Aircraft Rescue and Firefighting
400 Rodgers Blvd, 7th Floor
Honolulu, HI 96819-1880

1/07-6/10
Staff Nephrologist
Tripler Army Medical Center

7/02-7/09
Contributing Editor, Hawaii Medical Journal
1360 South Beretania, Suite 200
Honolulu, Hawaii 96814-1520
Phone (808) 536-7702

9/02-6/05
Assistant Medical Director
Southeast Minnesota EMS
1130 ½ 7th Street N.W. Suite 201
Rochester, MN 55901
(507) 536-9333

Education

7/02-6/05 Fellow in Nephrology
Mayo Clinic
200 First Street S.W.
Rochester, MN 55905
(507) 284-2511

7/99-6/2002 Resident in Internal Medicine
University of Hawaii John A. Burns School of Medicine
1356 Lusitana Street, 7th Floor
Honolulu, HI 96813
(808) 558-4633

6/95-6/99 Ross University School of Medicine M.D.
630 US Highway 1,
North Brunswick, NJ 08902
(732) 509-4600

9/89-8/02 University of Hawaii at Manoa B.A Anthropology
2500 Campus Road, Honolulu, HI 98822

4: Hiring of Hal Barnes as Homeland Security Coordinator:

There were numerous paramedics in our department that expressed interest to Director Ireland and Chief Patricia Dukes in applying for the Homeland Security Coordinator position that was vacated by Paramedic Cortney Chambers. However, when we inquired about the position we were told that Mr. Chambers still held the position and there was no need to fill it. Thus, none of us were allowed the opportunity to apply for the position.

Shortly thereafter (July 2010), Mr. Hal Barnes was hired by Director Ireland to fill the department's Homeland Security Coordinator position. Not only is Mr. Barnes not qualified for this position but he does not have any experience with Homeland Security nor does he have any type of medical training or medical background (see attached documents).

Our concerns:

- 1) Why Director Ireland would be untruthful with us and utilize department funding to hire a person from outside our department with no experience?**
- 2) Since Mr. Chambers is still on the payroll why was it necessary to hire someone into his position? Is this not a waste of money that could be used for more important things?**
- 3) Why was the only person considered/hired for the position someone who was set to lose his job with the departure of Mayor Hannemann's Administration? No one in our department was made aware of the vacancy and thus was given no opportunity to apply.**

Once again, we feel that Acting Director Ireland's behavior is not only unethical but also violates the work agreement contract the City has with UPW employees. Not to mention an irresponsible and potential illegal use of department money.

THE CARROLL COX SHOW**NEWS AND COMMENTARY****WHAT'S UP WITH MR. HAL BARNES**

Mr. Barnes leaving Hannemann's campaign headquarters

A complaint by an anonymous source was received by Mr. Carroll Cox, the host of the "CARROLL COX SHOW," alleging that the City and County of Honolulu Managing Director/Acting Mayor Kirk Caldwell and former Mayor Mufi Hannemann have rehired Harold Lee Barnes to work in the Managing Director's Office. The complainant expresses concerns about various court cases involving Mr. Barnes as a private citizen, and the complainant believes that these cases reflect poorly on Mr. Barnes' integrity and could possibly compromise the integrity of the Managing Director's Office. Another concern expressed by the complainant was that the Hannemann/Caldwell Administration either ignored the legal cases in which Mr. Barnes was a defendant, or failed to conduct a complete background check on Mr. Barnes which would have revealed such important information.

The allegations involve cases in the Commonwealth of Virginia and the state of Hawaii. We have contacted authorities to ask their assistance in obtaining factual information about certain issues raised by the complainant. We have conducted a check of the Hawaii State court records and found that there are approximately five civil cases identifying Mr. Harold L. Barnes and Mr. Hal Barnes. They are as follows:

1. CAPITAL ONE BANK VS HAL BARNES ETAL, Initiation Date 01-25-2007, Case # 1RC07-1-000588.
2. MIDLAND FUNDING LLC VS HAROLD L BARNES, Initiation Date 02-8-2010, Case # 1RC10-1-001334.

3. DISCOVER BANK VS HAL L BARNES, Initiation Date 2-18-2004, Case # 1RC04-1-001168.
4. JOSEPHINE T. ROGERS VS HAROLD L. BARNES, Initiation Date 10-21-2004, Case# IRC05-1-005896,
5. PORTFOLIO RECOVERY ASSOC LLC VS HAROLD L. BARNES, Initiation Date 10-6-2009, Case # 1RC09-1-008945.

We have also obtained the following additional information:

1. For the Discover Bank Case (refer to Item No. 3 above), documents show that the case involved garnishment of Mr. Barnes' City and County of Honolulu wages from the Director of Budget and Fiscal Services, for the amount of \$4,729.22.
2. Prior to his present employment at the Managing Director's Office, Mr. Harold Lee Barnes was employed by the City and County of Honolulu in 2004 and 2007, and is identified in numerous news articles in the Honolulu Weekly, Neighborhood Board meetings and other sources as Special Assistant to Mayor Mufi Hannemann. Our investigation found that Mr. Harold Barnes was rehired by the City and his official start work date was March 1, 2010.
3. Mr. Barnes' official title is Management Analyst VI (6), and he is assigned to work in the Managing Director's Office.
4. Mr. Barnes' date of birth is January 30, 1947.

We were able to confirm that Mr. HAROLD BARNES A.K.A HAL L. BARNES resides at 580 Kaimalino Street in Kailua, Oahu, Hawaii.

He is renting from the property owner, Mr. Robert Bahm, who also lives in an adjoining unit at that same address. Mr. Bahm's telephone number is 808-254-5278



Mr. Barnes' City and County of Honolulu work telephone number is 808-768- 4288. We attempted to interview Mr. Barnes by telephone and in person about these allegations and his position as a Management Analyst IV (6) in the Managing Director's office. We did get video of Mr. Barnes last night leaving the Hannemann campaign headquarters. He denied having warrants in Virginia. We are researching and will get back with you with more information.

[LINK HERE](#) for data extracted from Hawaii's Judiciary website

carrollcox.com

5: Hiring of Former Department Director Dr. Elizabeth Char:

In September of 2010, Director Ireland hired FORMER Emergency Services Department Director and CURRENT American Medical Response (AMR) Medical Director, Dr. Elizabeth Char to be the medical liaison between the City and the organizers of the APEC Conference. This contract will cost the department in excess of \$75,000 dollars. This may not seem like much but our concerns are:

- 1) Why is Director Ireland choosing to use department funds to hire someone outside the department when there are capable personnel already in the department?**
- 2) Why is the only person who was considered and hired for this position the FORMER director of the very city department that is hiring her? She is intimately familiar and has extensive knowledge of the department's fiscal and budgetary information which is clearly a conflict of interest and an ethical violation.**
- 3) Why would the City's Ethics Commission, Corporation Counsel and Department of Human Resources allow Director Ireland to hire Elizabeth Char since she currently holds Director Ireland's FORMER position at American Medical Response (AMR Medical Director)? This is clearly a conflict of interest since AMR is the direct competitor with City EMS in providing ambulance services to the public. Not to mention the City still has an existing work contract with AMR to provide ambulance support in times of high call volume.**
- 4) Why did Dr. Ireland and the City's Department of Human Resources choose to extend Dr. Elizabeth Char's contract (until June 30, 2012) past the APEC date if she is being hired primarily for the APEC Conference in November of 2011?**

It is obvious to us that this is a prime example of collusive behavior. A much more effective and responsible utilization of departmental money and personnel would be to use someone that already works for the department. There are numerous departmental personnel already qualified to perform the duties Dr. Char was hired for.

We feel that Acting Director Ireland's behavior is not only unethical but also violates the work agreement contract the City has with UPW employees. Not to mention an irresponsible and potential illegal use of department money.

UPW Wins EMS Arbitration!

“Egregious outstanding for undesirable qualities; remarkably bad; flagrant,” defines Webster’s Dictionary.

EMS Director Char’s Actions Deemed “Egregious”

“The Employer’s [Elizabeth Char] actions in this case were egregious,” stated Arbitrator Edward Yuen in his award against the Emergency Medical Department (EMD), City & County of Honolulu.

In the arbitration case involving the unilateral implementation of paramilitary disciplinary techniques at the Emergency Medical Technician (EMT) Training Academy, Arbitrator Yuen stated, in part,

“First, by direct dealing with the recruits and unilaterally implementing different conditions of employment without negotiations it undermined the role of the union as the exclusive representative of bargaining unit members. Second, the Employer’s total disregard for the agreed upon procedures for imposing disciplinary action at the Academy resulted in the punishment of employees without just cause and in an embarrassing manner. Finally, the manner in which the Employer offered consultation to the Union made it apparent that it was not interested in engaging in a meaningful exchange with the Union, but only seeking to fulfill a statutory and contractual obligation.”

Statement of the Case

Historically, back in 2007, Emergency Medical Services (EMS) Director Char informed UPW State Director Dayton M. Nakanelua that the EMS Division would begin a pilot EMT Training Academy in July 2008. However, Char’s letter did not transmit the Recruit Policies and Procedures manual or any other documents

further describing the proposed training program. After the experience of the first Academy, the Union ensured that the EMS was made aware of the Union’s intent and expectation to consult and negotiate over any future implementation of the EMT Training Academy.

In a letter dated August 20, 2009, Char informed the Union that the Employer was going to continue the EMT Training Academy for the second time and offered an opportunity to consult. However, the Academy commenced training on August 3, 2009, more than two (2) weeks before a letter of consultation was sent to the Union.

On September 2, 2009, the Union filed a class action grievance on behalf of all affected EMS employees. The grievance stated that on or about August 18, 2009, the Union became aware that instructors at the training academy were utilizing “para-military techniques” as part of the training and the recruits were also being required to scrub floors and toilets and do push-ups. The grievance further stated that such training and custodial duties were “demeaning and humiliating” and that the paramilitary techniques did not relate to the duties of EMTs and therefore served no purpose.

Six days of arbitration hearings were held on February 3, 18, 19, 25 and 26 and March 3, 2010. Thirteen witnesses testified at the hearings and a total of 114 exhibits were entered into evidence. Post-hearing briefs were received by the arbitrator on July 13, 2010.

Violations

In his arbitration award on August 27, 2010, Arbitrator Yuen ruled in favor of the Union and stated:

1. The Employer violated Section 1.01 of the CBA by dealing directly with recruits at the Training Academy in 2009 by having them sign Prescription Agreements and the Code of Conduct forms.
2. The Employer violated Section 1.05 of the CBA by failing to consult with the Union before formulating and implementing a second cycle of the EMT Recruit Training Academy in 2009.
3. The Employer violated Section 1.05 of the CBA by failing to obtain the consent of the Union before changing the CBA sick leave provisions for use at the Training Academy in 2009.
4. The Employer violated Section 1.05 of the CBA by failing to obtain the consent of the Union before changing the schedule of progressive discipline for abuse of sick leave and authorized leaves of absence in the CBA applicable to trainees in the training Academy in 2009.
5. The Employer violated Section 1.05 of the CBA by keeping derogatory materials pertaining to trainees outside of their official personnel files as required by Section 17 of the CBA without the consent of the Union.
6. The Employer violated Section 11.01a. of the CBA by disciplining employees without just and proper cause when it ordered an entire group of employees to do push-ups when only one or a few in the group had committed a violation.
7. The Employer violated Section 11.01b. of the CBA by issuing written warnings or reprimands to trainees without informing the Union and providing a copy to the trainee.
8. The Employer violated Section 11.01c. of the CBA by publicly disciplining employees by ordering them to do push-ups.

Award

Arbitrator Yuen further ordered the following:

1. The Employer shall consult with the Union before formulating or implementing any EMT training program in the future.
2. The Employer shall deal exclusively with the Union to make changes in wages, hours, or other conditions of work contained in the CBA which are necessary to implement an EMT training program in the future.
3. The Employer shall destroy any and all Prescription Agreements issued to recruits in the Training Academy.
4. The Employer shall destroy all copies of Code of Conduct documents signed by recruits in the Training Academy.
5. The Employer shall place all derogatory materials pertaining to trainees at the Training Academy, other than Prescription Agreements, in their official personnel files.

“The Arbitrator’s description of Director Elizabeth Char’s action as ‘egregious’ is putting it mildly,” said UPW Oahu Division Director Laurie Santiago. “The Arbitrator should have said that Dr. Char’s actions were remarkably stubborn and flagrantly insensitive, counterproductive to the Department’s goal of recruiting individuals who would be loyal to their employment with the City & County of Honolulu.”

6: Director Ireland working at his private medical practice during City time:

It has come to our attention that Director Ireland is continuing to see and treat patients in his private medical capacity as a nephrologist (kidney doctor) during City and County time.

Acting Director Ireland only works four (4) days a week as the Director of the Emergency Services Department. Every Thursday, he "takes off" to "conduct personal business" which is either double-dipping or at the very least a gross neglect of his duties as city director.

In addition, due to Director Ireland's inability to effectively do his job it is causing other areas of departmental operations to suffer. One example is his inability to properly maintain and monitor the hours of our automotive repair section.

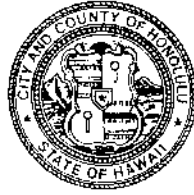
This has led to severe disorganization in coverage of our ambulance mechanic's and repair personnel. Because of the lack of appropriate coverage there has been a severe delay in timely ambulance repairs and servicing. This ultimately can and will lead to endangering the health and welfare of the public that we serve.

We have tried to bring this concern to Director Ireland attention however since he is hardly in the office we have yet to get any type of response from him or the EMS administration.

We truly feel Director Ireland is not fulfilling his responsibilities to his own department and in fact may be "double-dipping" since he is being paid by the City while working in his private medical practice capacity.

HONOLULU EMERGENCY SERVICES DEPARTMENT
CITY AND COUNTY OF HONOLULU

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PETER S. CARLISLE
MAYOR

JAMES H.E. IRELAND, M.D.
DIRECTOR

August 28, 2011

**TO: Mayor Peter Carlisle
City and County of Honolulu**

FROM: City and County of Honolulu EMS Paramedics

SUBJECT: Dr. James Ireland "Jumping" EMS calls

Dearest Mayor Carlisle,

I currently serve as a supervisor with the City and County Emergency Medical Services Division. I have been a paramedic for over 15 years and a supervisor for almost 10 years now. On Friday, August 26th, I was exposed to something I have never encountered in all my years working for the city.

Me and my partner were responding to a call and were following normal department procedures per our dispatch center. When we arrived on scene we were very surprised to see a city and county EMS van already there with our director Dr. Jim Ireland and our assistant director Mark Rigg treating the patient. My partner took over patient care from Dr. Ireland and Mr. Rigg while I asked them why they were on scene. They told me that they were "jumping calls" utilizing Cortney's (Chambers – EMS Homeland Security Coordinator) van.

I expressed to them my concern that not only was this dangerous since they were not letting our dispatch center know they were responding but that there was a potential liability issue since Dr. Ireland does not have the proper certification to be responding to emergency calls. Upon expressing my concern to Dr. Ireland he got defensive and abrasive so my partner and I continued treating the patient and transported her to the hospital.

Upon completion of our call I contacted EMS Assistant Chief Wayne Kruse to express my concerns with regards to Mr. Rigg and Dr. Ireland responding to emergency calls. He expressed his frustration and told me that this was not the "first time" Dr. Ireland was behaving in a liable manner. He also expressed to me that Dr. Ireland had already been reprimanded by the city for responding to emergency calls.

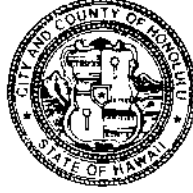
Normally, I wouldn't pursue contacting you directly Mr. Carlisle but there seems to be an overall feeling of frustration and anger with Dr. Ireland in the short time he has been the director of our department. I am asking you to please speak with him regarding his improper behavior and at this time will not disclose my identity due to fear of retaliation against me by Dr. Ireland.

Sincerely,
A Concerned EMS Supervisor

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PETER S. CARLISLE
MAYOR

JAMES H.E. IRELAND, M.D.
DIRECTOR

August 25, 2011

**TO: Peter Carlisle
Mayor, City and County of Honolulu**

FROM: Emergency Medical Services Mobile Intensive Care Technicians (MICT's)

SUBJECT: EMS Chief Patty Dukes Suspension and Investigation

Mayor Carlisle,

We are very upset that your administration has only suspended and is investigating our EMS Chief Patty Dukes because of the Susan G. Komen Breast Cancer Awareness calendar incident. Especially when it was Dr. Ireland who supported the event and encouraged us to contact KITV-4 and have them come down to film the shoot.

We admit that creating the "EMS Divas" website and posting pictures on Facebook were bad ideas but for Ireland to say he didn't know anything about it is a total lie. There are a bunch of us that participated in the calendar shoot that are willing to confirm this but we are afraid of retaliation by Ireland.

Also Mr. Mayor, if you choose to believe Ireland knew nothing about the calendar shoot then we hope that this would show you his failure as the director of our department. We also think the media would like to know that Ireland is never in the office and that your administration allows him to only work 4 days a week. Not to mention, we also think the media would be very interested in knowing that he takes every Thursday off to see his patients at his private practice as a kidney doctor.

There are a bunch of us in the department who are sick of Ireland and that he ignores the City's policies and procedures. Even if you choose not to do anything about him we are going to the media because you and Ireland have been given way too much leeway in ignoring the real issues and problems with our department.

Sincerely,
MICT's of the Emergency Medical Services Division

KITV.com

Photos Land EMS Personnel In Hot Water

Investigation Under Way Into Calendar Session

Dick Allaire KITV 4 News Reporter

POSTED: 5:21 pm HST August 15, 2011
UPDATED: 6:44 pm HST August 15, 2011

HONOLULU -- What started as an idea to help fight breast cancer got some Honolulu EMS personnel in hot water. A group of female paramedics wanted to make a calendar to raise awareness of breast cancer and bring in money for the Susan B. Komen Race For The Cure Foundation. But when Komen officials got a look at the photos the project was dropped, and EMS officials said an investigation was under way.

In June, KITV video taped one of the photo sessions as EMS ladies posed on ambulances. KITV is a sponsor of the Komen Race For The Cure, and the Komen Foundation suggested KITV do a story on the making of calendar.

At the time of the interviews, the women were posing willingly for the photos. Several of the photos showed women posing on ambulances with their shirts unbuttoned with bras and cleavage exposed.

"We decided let's do something for somebody. We found that everyone in our group had been touched by breast cancer," one of the women said in June.

The ladies who posed are all paramedics and EMS technicians. Some of them did so reluctantly.

"I think I was the hardest to convince to pose. I'm very conservative and didn't want to show anything," one paramedic said in June.

But some of the photos were not so conservative. The local executive director of the Komen Foundation, who initially supported the project, said the intent was good, but the photos were too risqué. The foundation did not approve the final photos and did not want to be associated with the calendar.

In the 1990's, Honolulu firefighters used to do a male calendar called Fire Foxes. A spokesman for the fire department said that was discontinued years ago because it was "seen as not appropriate."

A spokesman for the Komen foundation said an EMS supervisor is in trouble over the calendar photos.

Director of Honolulu Emergency Medical Service Dr. James Ireland said in a statement: "I recently became aware of some concerns about certain City EMS (Emergency Medical Service)

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employees participating in a photo shoot for a calendar. I have initiated an investigation into this matter. Details of the inquiry are confidential."

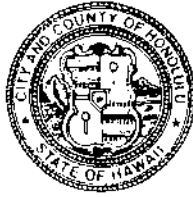
Ireland would not confirm or deny that an EMS supervisor had been suspended over the matter.

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PETER S. CARLISLE
MAYOR

JAMES H.L. IRELAND, M.D.
DIRECTOR

October 20, 2011

**TO: Dr. Linda Rosen, Program Manager
Hawaii State Department of Health
Emergency Medical Services & Injury Prevention System**

FROM: EMS Paramedics

**SUBJECT: Dr. Ireland and the merger of City Health Services with the
Emergency Services Department**

Dear Dr. Rosen,

We realize that although there are a number of us that haven't always seen eye to eye with you we still felt that you needed to know what was going on at City and County EMS

The Carlisle Administration, specifically the Mayor, Managing Director and Human Resources (Noel Ono and Robin Chun Carmicheal) will be submitting a proposal to move the Health Services Division <http://www1.honolulu.gov/hr/healthservices/index1.htm> out from under the Department of Human Resources and move it under the Honolulu Emergency Services Department umbrella (EMS and Ocean Safety). This is similar to what the City did when they moved Ocean Safety out from Parks and Recreation and put it under ESD.

With the merger between ESD and HFD pretty much assured Ireland would no longer be needed in the director position since it would be phased out. Hence, he would no longer have a job but to ensure that he stays on the City payroll a Civil Service position (permanent non-appointed) is being created for him to oversee Health Services, conduct physicals, etc.

In addition, Mayor Carlisle is also going to do the same and hire Dr. Elizabeth Char into another created Civil Service position (permanent non-appointed) since it was no secret he wanted to keep Dr. Char on even though she chose to leave.

On the surface level the Mayor will say this makes sense and it will save money however, here are some of the problems that either already exist or will be created:

1) Dr. Ireland has already been spending much of his time at Health Services conducting fit for duty and pre-employment physicals on City time as the Director of ESD. Granted he is a physician but apparently being the director of our department is not his first priority and this is why we are in such a state of confusion.

2) He is conducting physicals and screenings on employees that work directly for him (Paramedics, EMT's and Lifeguards)...this is the biggest conflict of interest and creates the potential for illegal and unethical situations. The same will apply to Dr. Char since she used to be the director for ESD and has many personal relationships with City employees.

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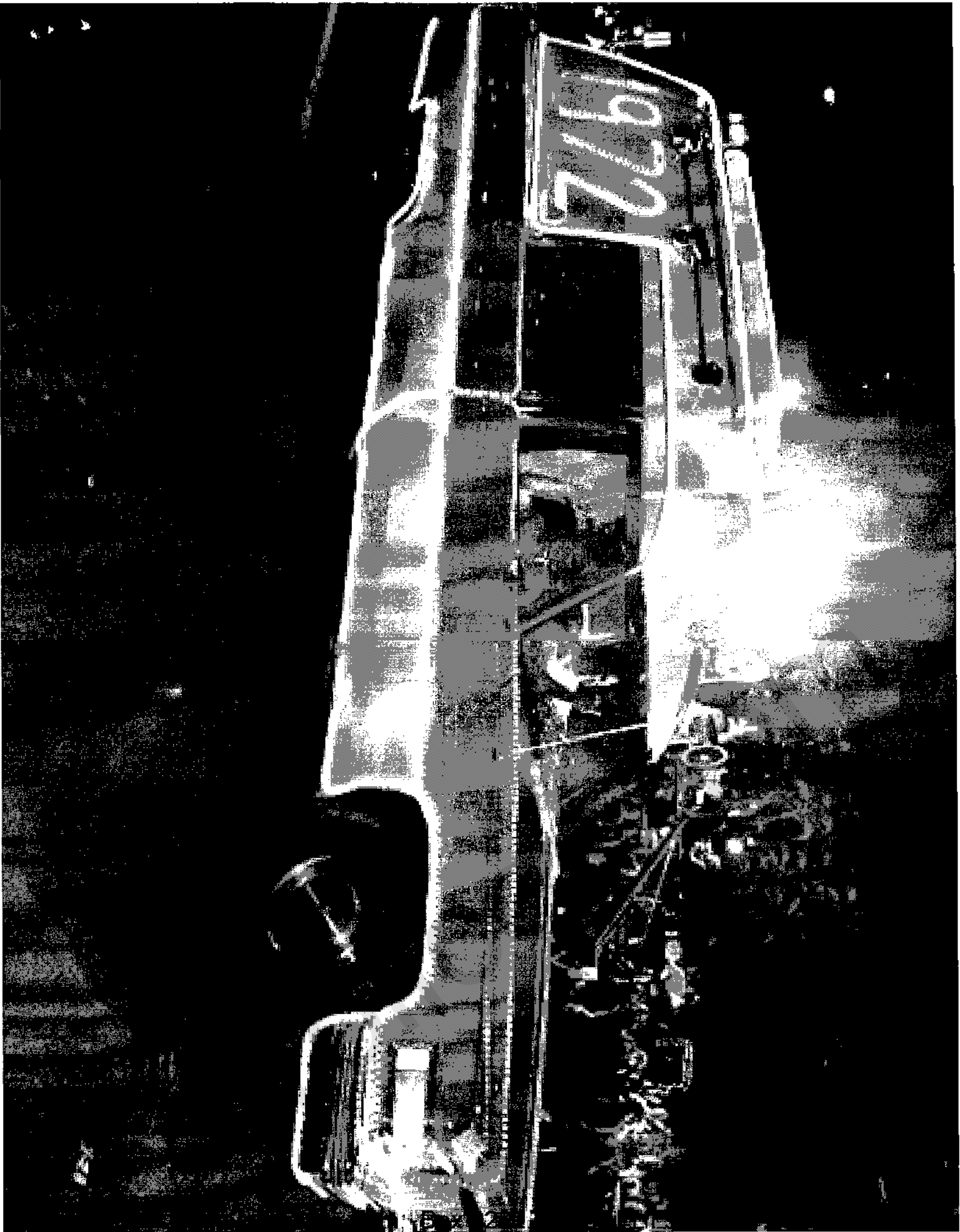
Rosen ?

7: Director Ireland usage of department funding for personal reasons:

In December of 2010, overtime pay for EMS Division mechanic Greg Leyson was authorized by Director Ireland to decorate Ireland's PERSONAL vehicle for the Honolulu City Lights and Kapolei Christmas Lights Parade (see attached photo).

Although Director Ireland did get permission to drive his personal vehicle (1972 era ambulance) in these parades he did not seek or get permission to authorize overtime pay for the "decoration" of his personal vehicle. In addition, according to other mechanics who work with Mr. Leyson, Director Ireland also utilized departmental money to pay for new tires, lights and engine parts to ensure that his personal vehicle would operate properly. Also, during the Kapolei Christmas Parade, Director Ireland authorized and paid overtime to handpicked employees who he asked to participate in the festivities.

Although, the overtime and equipment costs did not exceed \$20,000 dollars (this can easily be confirmed by department administration specialist, Claire Bellow) we still felt compelled to report this to you. This behavior as well as the aforementioned behavior, do not speak well to Dr. Ireland's character and reputation as a medical doctor, City Director and ultimately a human being. His behavior is also a poor reflection on all of the employees who work hard to represent this department on a daily basis.



CONTACTS:

Carrie Okinaga, Former Corporation Counsel (768-5100)
Elizabeth Contrades, Deputy Corporation Counsel (768-5119)
Chuck Totto, City Ethics Commissioner (768-7786)
Noel Ono, Director of Human Resources (768-8500)
Robin Chun-Carmichael, Deputy Director of Human Resources (768-8502)
Mark Rigg, ESD Deputy Director (723-7811)
Patricia Dukes, EMS Chief Patricia Dukes (723-7803)
Wayne Kruse, EMS Assistant Chief (723-7805)
Vicki Bentzien, EMS Assistant Chief (723-7809)
Lorrie Manasas, ESD Administrative Service Officer (723-7812)

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