
A BILL FOR AN ACT

RELATING TO THE OFFICE OF COMMUNITY SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The purpose of this part is to improve the
3 delivery of services to vulnerable populations such as
4 immigrants and low-income individuals by transferring the office
5 of community services from the department of labor and
6 industrial relations to the department of human services.

7 SECTION 2. The Hawaii Revised Statutes is amended by
8 adding a new chapter to be appropriately designated and to read
9 as follows:

10 "CHAPTER

11 OFFICE OF COMMUNITY SERVICES

12 § -1 Findings and purpose. The State of Hawaii has been
13 a leader among the states in the development of progressive and
14 innovative undertakings on behalf of its neediest residents.
15 Securing the well-being of all of the state's citizens continues
16 to be a policy objective of the highest priority.



1 As the State commits a growing share of its resources to
2 programs and services to assist those at the lowest end of the
3 income scale such as the disadvantaged, refugees, immigrants,
4 and other people in need, the State must also ensure that
5 government resources are used prudently and in the most cost-
6 effective manner possible, and that the State recognizes changes
7 in societal attitudes, values, and emphasis that have produced
8 new issues requiring new approaches for their resolution.

9 The purpose of this chapter is to establish the office of
10 community services within the department of human services. The
11 primary purpose of the office is to facilitate and enhance the
12 development, delivery, and coordination of effective services
13 and programs for some of the most vulnerable individuals within
14 the state. The establishment of the office of community
15 services in the department of human services would:

- 16 (1) Improve the efficiency and effectiveness of the
17 operations of the executive branch;
- 18 (2) Improve the delivery of services to disadvantaged
19 persons, refugees, and immigrants;
- 20 (3) Improve responsibility and accountability for
21 successfully carrying out programs, policies, and
22 priorities of the office of community services; and



1 (4) Improve responsiveness to the needs of the people of
2 Hawaii.

3 § -2 Office of community services; establishment;
4 executive director. (a) There is established the office of
5 community services within the department of human services for
6 administrative purposes. The following programs are under the
7 auspices of and coordinated through the office:

- 8 (1) The progressive neighborhoods program;
9 (2) The Hawaii office of economic opportunity;
10 (3) The refugee resettlement program; and
11 (4) The state immigrant services center.
- 12 (b) The office of community services shall be headed by
13 the executive director of the office of community services.
14 The executive director shall have:
- 15 (1) Training and experience in the field of social work,
16 education, public health, or related fields;
17 (2) Direct experience in programs and services related to
18 disadvantaged persons, refugees, or immigrants; and
19 (3) Experience in working in a supervisory, consultative,
20 or administrative capacity.

21 The executive director shall be appointed by the governor
22 without regard to chapter 76 and shall be compensated at a



1 salary level no less than that of a second deputy. The
2 executive director shall be included in any benefit program
3 generally applicable to the officers and employees of the State.

4 **§ -3 General functions, duties, and powers of the**
5 **executive director.** The executive director shall:

- 6 (1) Serve as a principal official in the coordination of
7 state government programs for low-income persons,
8 disadvantaged persons, refugees, and immigrants;
- 9 (2) Oversee, supervise, and direct the performance by
10 subordinates of activities in areas that include
11 planning, evaluation, and coordination of programs for
12 low-income persons, disadvantaged persons, refugees,
13 and immigrants;
- 14 (3) Assess the policies and practices of public and
15 private agencies impacting low-income persons,
16 disadvantaged persons, refugees, and immigrants;
- 17 (4) Devise and recommend legislative and administrative
18 actions for the improvement of services for low-income
19 persons, disadvantaged persons, refugees, and
20 immigrants;
- 21 (5) Serve as a member of advisory boards and panels of
22 state agencies in areas that include human services,



1 housing, child development programs, elderly health
2 and medical assistance programs, refugee assistance
3 programs, and immigrant services programs;

4 (6) Administer funds allocated for the office of community
5 services; and apply for, receive, and disburse grants
6 and donations from federal, state, local, and private
7 sources for programs and services to assist low-income
8 persons, disadvantaged persons, refugees, and
9 immigrants;

10 (7) Adopt, amend, and repeal rules pursuant to chapter 91
11 to implement this chapter;

12 (8) Retain staff as may be necessary for the purposes of
13 this chapter, who may be exempt from chapter 76; and

14 (9) Contract for services as may be necessary for the
15 purposes of this chapter.

16 **§ -4 General duties and powers of the office of**
17 **community services.** The office of community services shall:

18 (1) Establish statewide goals and objectives relating to
19 low-income persons, disadvantaged persons, refugees,
20 and immigrants;

21 (2) Study and conduct research concerning the needs of
22 low-income persons, disadvantaged persons, refugees,



1 and immigrants in the state. The research is to be
2 carried out whenever possible through the departments
3 or agencies of the state and county governments
4 responsible for providing services in the fields of
5 health, education, housing, social services,
6 employment, and related areas. Where the research
7 cannot be performed within established agencies, it
8 shall be carried out by the office of community
9 services or contracted by the office of community
10 services;

11 (3) Review legislation pertaining to programs within the
12 purview of the office of community services and
13 appropriations made for services to low-income
14 persons, disadvantaged persons, refugees, and
15 immigrants; recommend needed revisions to the
16 programs; and submit a report to the governor
17 including any recommended legislation;

18 (4) Evaluate the availability, adequacy, and accessibility
19 of all services for low-income persons, disadvantaged
20 persons, refugees, and immigrants within the state;

21 (5) Assist and coordinate the efforts of all public and
22 private agencies providing services that affect low-



1 income persons, disadvantaged persons, refugees, and
2 immigrants including the department of health, the
3 department of human services, department of labor and
4 industrial relations, and department of education, and
5 report the facts and the office's recommendations to
6 the governor and to the legislature. The executive
7 heads of all the departments and agencies shall make
8 available to the office of community services
9 information as the office deems necessary for the
10 effective discharge of its duties under this chapter;

11 (6) Maintain contacts with local, state, and federal
12 officials and public and private agencies concerned
13 with planning for low-income persons, disadvantaged
14 persons, refugees, and immigrants; and

15 (7) Encourage and foster local action on behalf of low-
16 income persons, disadvantaged persons, refugees, and
17 immigrants.

18 § -5 Relationships with other departments and agencies
19 and cooperation with the office of community services. Every
20 state department, county agency, or other public or private
21 agencies providing programs and services to low-income persons,
22 disadvantaged persons, refugees, and immigrants shall be



1 encouraged to actively work with the office of community
2 services and to coordinate the development of its program plans.
3 The executive heads of all the departments and agencies shall
4 cooperate with the office of community services in providing
5 information deemed necessary for the effective discharge of its
6 duties. However, nothing contained in this chapter shall be
7 deemed to delegate or detract from the functions, powers, and
8 duties prescribed by law for any other department or agency of
9 this State or any county, nor to terminate any existing
10 contracts between any department or agency and any private
11 organization for the development or administration of programs
12 or services to low-income persons, disadvantaged persons,
13 refugees, and immigrants. Notwithstanding that each county
14 shall maintain maximum control over the development and
15 administration of human service programs tailored to meet county
16 needs, each department, agency, officer, and employee of the
17 State and of the counties shall cooperate with and assist the
18 office of community services in the performance of the
19 functions, powers, and duties of the office."

20 SECTION 3. Chapter 371K, Hawaii Revised Statutes, is
21 repealed.



1 SECTION 4. All rights, powers, function, and duties of the
2 department of labor and industrial relations relating to the
3 office of community services are transferred to the department
4 of human services. The sixteen permanent full-time equivalent
5 (16.0 FTE) positions in the office of community services are
6 hereby transferred from the department of labor and industrial
7 relations to the department of human services to carry out the
8 purposes of this part. All officers and employees whose
9 functions are transferred by this part shall be transferred with
10 their functions and shall continue to perform their regular
11 duties upon their transfer, subject to the state personnel laws
12 and this part.

13 No officer or employee of the State shall suffer any loss
14 of salary, seniority, prior service credit, vacation, sick
15 leave, or other employee benefit or privilege as a consequence
16 of this part.

17 In the event that an office or position held by an officer
18 or employee having tenure is abolished, the officer or employee
19 shall not thereby be separated from public employment, but shall
20 remain in the employment of the State with the same pay and
21 classification and shall be transferred to some other office or
22 position for which the officer or employee is eligible under the



1 personnel laws of the State as determined by the director of
2 human resources development.

3 All appropriations, records, equipment, machines, files,
4 supplies, contracts, books, papers, documents, maps, and other
5 personal property heretofore made, used, acquired, or held by
6 the department of labor and industrial relations, its agencies,
7 divisions, or offices relating to the functions of the office of
8 community services, which is transferred to the department of
9 human services shall be transferred with the functions to which
10 they relate.

11 All rules, policies, procedures, guidelines, and other
12 material adopted or developed by the agencies, divisions, or
13 offices transferred or placed for administrative purposes under
14 this part, shall remain in full force and effect until amended
15 or repealed by the department of human services pursuant to
16 chapter 91, Hawaii Revised Statutes.

17 All deeds, leases, contracts, loans, agreements, permits,
18 or other documents executed or entered into by or on behalf of
19 the agencies, divisions, or offices transferred or placed for
20 administrative purposes with the department of human services by
21 this part, shall remain in full force and effect.



1 The provisions of this section are to be liberally
2 construed to effectuate its purposes.

3 SECTION 5. All acts passed by the legislature during this
4 regular session of 2009, whether enacted before or after the
5 effective date of this part, shall be amended to conform to this
6 part unless such acts specifically provide that this part is
7 being amended.

8 PART II

9 SECTION 6. The legislature finds that one of the goals of
10 the federal Violence Against Women Act is to protect women who
11 are victims of domestic violence or sexual assault, including
12 undocumented immigrants, from their perpetrators.

13 The United States Department of Justice, through the Office
14 on Violence Against Women, encourages nonprofits, community-
15 based organizations, and other social service organizations to
16 aid victims of violence by providing legal and social services
17 to enable women to report abuse and cooperate with law
18 enforcement without fear of being legally reprimanded due to
19 their immigration status. The Violence Against Women Act
20 created special rules for undocumented immigrants who are
21 victims of domestic violence or sexual assault to allow them to
22 apply for a work permit and a U-visa, which provides immigration



1 status to noncitizens willing to assist authorities in
2 investigating crimes.

3 However, despite the provisions of the Violence Against
4 Women Act, many domestic violence or sexual assault victims do
5 not report perpetrators or help to prosecute them because of
6 fear of deportation. Also, many victims are unfamiliar with the
7 laws that protect them and their children. Additionally, women
8 who have cooperated with authorities have been unable to
9 financially support their families because of a lack of job
10 experience, job training, and interviewing skills.

11 The purpose of this part is to request that the department
12 of human services establish a pilot project to enable community-
13 based organizations to provide legal advice and social services
14 to victims of domestic violence or sexual assault who are
15 undocumented immigrants, in accordance with the goals of the
16 federal Violence Against Women Act.

17 SECTION 7. (a) The department of human services may
18 establish a pilot project to assist undocumented immigrants who
19 are victims of domestic violence or sexual assault, including
20 assistance qualifying for protection under the federal Violence
21 Against Women Act.



1 (b) If established, the pilot project shall provide the
2 following services to undocumented immigrants who are victims of
3 domestic violence or sexual assault:

4 (1) Assistance with restraining orders;

5 (2) Assistance with applications for petitions under the
6 federal Violence Against Women Act, U-visas, and work
7 permits;

8 (3) Workshops on building self-esteem and self-confidence;

9 (4) Instruction on appropriate workplace etiquette and
10 appearance;

11 (5) Training in effective job search techniques;

12 (6) Career assessments, when appropriate, to identify
13 marketable skills and assess employability;

14 (7) Information about current labor market trends for
15 employment and training;

16 (8) Placement with employers who agree to hire a
17 prearranged number of victims;

18 (9) Post-employment services;

19 (10) Legal assistance with divorces, child custody and
20 support, housing and consumer issues, and other family
21 law issues; and



1 (11) Case management needs, including language learning,
2 and information and assistance using public
3 transportation, obtaining identification, and other
4 skills as necessary.

5 (c) If the pilot project is established, the department of
6 human services shall submit a report to the legislature no later
7 than twenty days prior to the convening of the regular session
8 of 2011, including the number of victims who received services
9 and the types of assistance they received.

10 PART III

11 SECTION 8. This Act shall take effect on July 1, 2009;
12 provided that sections 6 and 7 shall be repealed on June 30,
13 2011.



S.B. NO. 905
S.D. 2
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Report Title:

Office of Community Services

Description:

Transfers the Office of Community Services from the Department of Labor and Industrial Relations to the Department of Human Services. Permits the Department of Human Service to conduct a pilot project to assist undocumented immigrants and refugees who are victims of domestic violence. (SB905 HD2)

