

JAN 26 2009

A BILL FOR AN ACT

RELATING TO THE OFFICE OF COMMUNITY SERVICES.

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

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

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

9 **CHAPTER**

10 **OFFICE OF COMMUNITY SERVICES**

11 **§ -1 Findings and purpose.** The State of Hawaii has
12 been a leader among the states in the development of progressive
13 and innovative undertakings on behalf of its neediest
14 residents. Securing the well-being of all of the State's
15 citizens continues to be a policy objective of the highest
16 priority.

17 As the State commits a growing share of its resources to
18 programs and services to assist those at the lowest end of the

1 income scale such as the disadvantaged, refugees, immigrants,
2 and other people in need, the State must also ensure that
3 government resources are used prudently, in the most cost-
4 effective manner possible, and that the State recognizes changes
5 in societal attitudes, values, and emphasis that have produced
6 new issues requiring new approaches for their resolution.

7 The purpose of this chapter is to establish the office of
8 community services within the department of human services. The
9 primary purposes of the office are to facilitate and enhance the
10 development, delivery, and coordination of effective services
11 and programs for some of the most vulnerable individuals within
12 the State. The establishment of the office of community services
13 would help:

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

1 **§ -2 Office of community services, establishment.**

2 (a) There is established within the department of human
3 services, the office of community services, which shall be
4 administratively attached to the department of human services.

5 The following shall be among the programs to be under the
6 auspices of and coordinated through the office:

- 7 (1) Progressive neighborhoods program;
- 8 (2) Hawaii office of economic opportunity;
- 9 (3) Refugee resettlement program; and
- 10 (4) State immigrant services center.

11 (b) The head of the office shall be known as the executive
12 director of the office of community services, hereinafter
13 referred to as the executive director. The executive director
14 shall have training and experience in the field of social work,
15 education, public health, or related fields; direct experience
16 in programs and services related to disadvantaged persons,
17 refugees, or immigrants; and experience in a supervisory,
18 consultative, or administrative capacity. The executive
19 director shall be appointed by the governor without regard to
20 chapter 76, and shall be compensated at a salary level no less
21 than that of a second deputy. The executive director shall be

1 included in any benefit program generally applicable to the
2 officers and employees of the State.

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

5 (1) Serve as a principal official in the coordination of
6 state government programs for low-income persons,
7 disadvantaged persons, refugees, and immigrants;

8 (2) Oversee, supervise, and direct the performance by
9 subordinates of activities in such areas as planning,
10 evaluation, and coordination of programs for low-
11 income persons, disadvantaged persons, refugees, and
12 immigrants;

13 (3) Assess the policies and practices of public and
14 private agencies impacting low-income persons,
15 disadvantaged persons, refugees, and immigrants;

16 (4) Devise and recommend legislative and administrative
17 actions for the improvement of services for
18 disadvantaged persons, refugees, and immigrants;

19 (5) Serve as a member of advisory boards and panels of
20 state agencies in areas such as human services,
21 housing, child development programs, elderly health

- 1 and medical assistance programs, refugee assistance
2 programs, and immigrant services programs;
- 3 (6) Administer funds allocated for the office of community
4 services; and apply for, receive, and disburse grants
5 and donations from Federal, State, local, and private
6 sources for programs and services to assist low-income
7 persons, disadvantaged persons, refugees, and
8 immigrants;
- 9 (7) Adopt, amend, and repeal rules pursuant to chapter 91
10 for purposes of this chapter;
- 11 (8) Retain such staff as may be necessary for the purposes
12 of this chapter, who may be exempt from Chapter 76;
13 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. Such 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 such research
7 cannot be done within such established agencies, it
8 shall be carried out by this office or contracted by
9 this office;

- 10 (3) Review legislation pertaining to programs within the
11 purview of the office and appropriations made for
12 services to low-income persons, disadvantaged persons,
13 refugees, and immigrants; recommend revisions and
14 additions needed; and report to the governor regarding
15 such legislation;
- 16 (4) Evaluate the availability, adequacy, and accessibility
17 of all services for low-income persons; disadvantaged
18 persons, refugees, and immigrants within the State;
- 19 (5) Assist and coordinate the efforts of all public and
20 private agencies providing services which affect low-
21 income persons, disadvantaged persons, refugees, and
22 immigrants, including, without limitation to the

1 generality of the foregoing, the department of health,
2 the department of human services, the department of
3 labor and industrial relations, and the department of
4 education, and report such facts and the office's
5 recommendations to the governor and to the
6 legislature. The executive heads of all such
7 departments and agencies shall make available to the
8 office of community services such information as the
9 office deems necessary for the effective discharge of
10 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 and**
19 **cooperation with the office of community services.** Every state
20 department, county agency, or other public or private agencies
21 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 such 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 such department or agency and any private
11 organizations 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. Section 371K, Hawaii Revised Statutes, is
21 repealed.

1 Section 4. The sixteen permanent full-time equivalent
2 (16.0 FTE) positions in the Office of Community Services are
3 hereby transferred from the department of labor and industrial
4 relations to the department of human services to carry out the
5 purposes of this Act. All officers and employees whose
6 functions are transferred by this Act shall be transferred with
7 their functions and shall continue to perform their regular
8 duties upon their transfer, subject to the state personnel laws
9 and this Act.

10 No officer or employee of the State shall suffer any loss
11 of salary, seniority, prior service credit, vacation, sick
12 leave, or other employee benefit or privilege as a consequence
13 of this Act.

14 In the event that an office or position held by an officer
15 or employee having tenure is abolished, the officer or employee
16 shall not thereby be separated from public employment, but shall
17 remain in the employment of the State with the same pay and
18 classification and shall be transferred to some other office or
19 position for which the officer or employee is eligible under the
20 personnel laws of the State as determined by the director of
21 human resources development.

1 All appropriations, records, equipment, machines, files,
2 supplies, contracts, books, papers, documents, maps, and other
3 personal property heretofore made, used, acquired, or held by
4 the agencies, divisions, or offices transferred or placed for
5 administrative purposes under this Act relating to the functions
6 transferred to the department of human services shall be
7 transferred with the functions to which they relate.

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

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

19 The provisions of this section are to be liberally
20 construed to effectuate its purposes.

21 SECTION 5. All acts passed by the legislature during this
22 regular session of 2009, whether enacted before or after the

S.B. NO. 905

1 effective date of this Act, shall be amended to conform to this
2 Act unless such acts specifically provide that this Act is being
3 amended.

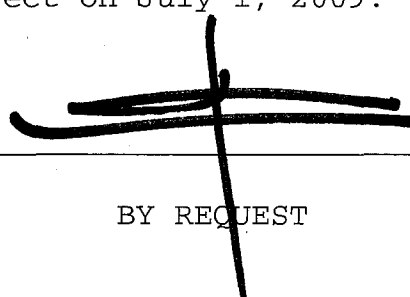
4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: _____

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9

BY REQUEST

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.

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO THE OFFICE OF COMMUNITY SERVICES

PURPOSE: Transfers the Office of Community Services from the Department of Labor and Industrial Relations to the Department of Human Services.

MEANS: Add a new chapter to the Hawaii Revised Statutes (HRS) and repeal Chapter 371K, (HRS).

JUSTIFICATION: This bill strengthens and improves the delivery of human service programs by transferring the Office of Community Services (OCS) from the Department of Labor and Industrial Relations (DLIR) to the Department of Human Services (DHS).

Created in 1985 by the Hawaii State Legislature, OCS is mandated to provide human service programs to Hawaii's low-income persons, disadvantaged persons, refugees, and immigrants. OCS contracts and administers program services including but not limited to food distribution, employment, transportation, childcare, and disability advocacy. All of the programs and services administered by OCS are geared toward helping people successfully achieve and maintain long-term self-sufficiency.

The primary functions of OCS more readily correspond to the objectives and responsibilities of DHS than the DLIR. Both OCS and DHS are responsible for administering Federal programs that help the low-income, immigrant, refugee, and disadvantaged persons. By becoming an attached agency to DHS, OCS will be able to collaborate with other human service agencies and providers in the State and

private sectors. This will increase the overall effectiveness and quality of service provided by the Office.

Impact on the public: Improves the public's ability to access human service programs by consolidating key programs under the same department. Creates an opportunity for one-stop services to vulnerable populations.

Impact on the department and other agencies: Increases the opportunity for coordination and efficiencies amongst related human service programs.

GENERAL FUND: DLIR Account G-09-193-L is transferred to DHS.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: Transfer LBR 803 to HMS 803

OTHER AFFECTED
AGENCIES: Department of Human Services, Department of Labor and Industrial Relations, Office of Community Services

EFFECTIVE DATE: July 1, 2009.