

TESTIMONY

HB2374

HTH/JDL
Committee Hearing
03-20-2012

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

Senate Committee on Judiciary and Labor

March 19, 2012

WRITTEN
ONLY

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health
House Bill 2374**

1 **Department's Position:** The Department of Health supports the intent of this measure provided that its
2 enactment does not reduce or replace priorities within the Governor's Supplemental Budget Request.

3
4 **Fiscal Implications:** Unquantified administrative costs to support additional attached agency

5
6 **Purpose and Justification:**

7 This is an administrative transfer of the existing Office of Language Access currently administratively
8 attached to the Hawaii State Department of Labor and Industrial Relations to being administratively
9 attached to the Hawaii State Department of Health.

10
11 The Office of Language Access provides oversight, central coordination, and technical assistance to
12 state and state funded agencies in implementing language access, including the Department of Health.

1 A key foundation of the Department of Health's strategic plan is achieving health equity, or eliminating
2 health disparities for all groups in Hawaii. By assuring language access, key barriers are addressed. The
3 goals of the Office of Language Access are congruent with our aim to identify and address populations
4 such as immigrants and refugees and by doing so improve the public's health.

5

6 Assuming sufficient resources are available to support an additional attached agency, the Department
7 would welcome the newly created synergy with the Office of Language Access.

8

9 We appreciate the opportunity to testify and strongly urge you to pass HB2374.

10

NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
INTERIM DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 16, 2012

TESTIMONY TO THE
SENATE COMMITTEES
ON
HEALTH
AND
JUDICIARY AND LABOR

For Hearing on Tuesday, March 20, 2012
10:00 a.m., Conference Room 016

BY

BARBARA A. KRIEG
INTERIM DIRECTOR

House Bill No. 2374
Relating to the Office of Language Access

WRITTEN TESTIMONY ONLY

TO CHAIRPERSONS GREEN AND HEE AND MEMBERS OF THE COMMITTEES:

The purpose of H.B. No. 2374 is to transfer the Office of Language Access to the Department of Health, as an administratively attached agency, effective July 1, 2012.

The Department of Human Resources Development has **comments** on the proposed transfer. To protect the rights and benefits of the employees to be transferred, we recommend the following proposed transfer language be used in place of the transfer language in Section 5, lines 14-21 on page 13 and lines 1-19 on page 14 to read:

"All employees who occupy civil service positions and whose functions are transferred to the department of health by this Act shall retain their civil service status (permanent or temporary). Employees shall be transferred

without loss of salary, seniority, retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act, provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable, provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act, may continue to retain the employee's exempt status, but shall not be appointed to a civil service position because of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, any vacation and sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act, provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The director of the department of health may prescribe the duties and qualifications of such employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes."

Thank you for the opportunity to offer comments on this measure.

ESD



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor

March 20, 2012

To: The Honorable Josh Green, Chair, Clarence Nishihara, Vice Chair, and
Members of the Senate Committee on Health

The Honorable Clayton Hee, Chair, Maile S.L. Shimabukuro, Vice Chair, and
Members of the Senate Committee on Judiciary and Labor

Date: Tuesday, March 20, 2012
Time: 10:00 a.m.
Place: Conference Room 016, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: HB 2374 RELATING TO THE OFFICE OF LANGUAGE ACCESS

I. OVERVIEW OF PROPOSED LEGISLATION

HB2374 would transfer the Office of Language Access (OLA) from the DLIR to the Department of Health (DOH).

The department strongly supports this administration measure.

III. COMMENTS ON THE HOUSE BILL

The measure is part of the administration's effort, "to transform State government into an efficient and effective enterprise," while also protecting the human and civil rights of all residents of our state. By transferring the functions and duties of OLA from the DLIR to the DOH, this measure will help align state functions and improve the state's delivery of vital language services to its more than 140,000 limited English proficient population and provide them better access to needed government services, protect their rights, and enable them to become more active participants and contributing members of society.

NEIL ABERCROMIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR.
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322
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To: Sen. Josh Green, M.D.
Chair, Senate Committee on Health

Sen. Clayton Hee
Chair, Senate Committee on Judiciary and Labor

From: Serafin Colmenares Jr.
Executive Director, Office of Language Access

Date: March 20, 2012, 10:00 a.m.
State Capitol, Room 016

Re: Testimony on H.B. No. 2374
Relating to Language Access

Thank you for the opportunity to submit testimony in support of H.B. No. 2374, Relating to Language Access.

The Office of Language Access (OLA) strongly supports this bill, which would transfer the office from the Department of Labor and Industrial Relations (DLIR) to the Department of Health (DOH) as an administratively attached agency.

The OLA was established by law in 2007 to address the language access needs of limited English proficient persons and ensure meaningful access to services, programs, and activities offered by state and state-funded agencies for limited English proficient persons. The office provides oversight, central

coordination, and technical assistance to state agencies in their implementation of language access requirements under the law.

The DOH has, as one of its purposes, the provision of health equity to all groups in Hawaii. The provision of language access helps to eliminate health disparities among our multi-ethnic population thereby promoting the total well-being of all. The functions and activities of the OLA are, therefore, congruent with those of the DOH.

The bill is a step forward in the implementation of the third focus of the present administration's New Day Plan: "to transform State government into an efficient and effective enterprise," and is in line with the New Day objective "to protect the human and civil rights of all regardless of categories." By transferring the functions and duties of the OLA from the DLIR to the DOH, this bill will help align state functions and improve the State's delivery of vital language services to its more than 140,000 limited English proficient population, provide them better access to needed government services, protect their rights, and enable them to become more active participants and contributing members to society.

The transfer will enable OLA to more effectively and efficiently use its resources and perform its functions. Being located in an agency that performs similar purposes and serves a similar population will result in better collaboration and sharing of resources, thereby making OLA more responsive to the community and the state and state-funded agencies it serves. Better language access means better customer service thereby helping raise public awareness and confidence in government and our processes.

For these reasons, the OLA urges the members of the committees to approve this legislation.



CATHOLIC CHARITIES HAWAII

TO: Senator Josh Green, M.D., Chair
Senator Clarence K. Nishihara, Vice Chair
Committee on Health

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

FROM: Melba Bantay, Program Director
General Immigration & Refugee Services

DATE: Tuesday, March 20, 2012 (10:00 a.m., Room 016)

RE: Support of HB 2374, Relating to the Office of Language Access

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing services for immigrants and refugees for over 20 years. CCH strongly supports HB 2374 which will transfer the Office of Language Access (OLA) from the Department of Labor & Industrial Relations to the Department of Health, along with all of the functions and duties of the office.

As Program Director of CCH's General Immigration & Refugee Services Program and as a member of the Office of Language Access Advisory Council, I believe that OLA will be more appropriately located and supported in the Department of Health.

Catholic Charities Hawai'i asks for your support of HB 2374. If I can provide any further information, please feel free to contact me at 808-527-4711 or via email at mbantay@catholiccharitieshawaii.org. Thank you for this opportunity to provide testimony.



CLARENCE T. C. CHING CAMPUS • 1822 Ke'eaumoku Street, Honolulu, HI 96822
Phone (808)524-HOPE(4673) • www.CatholicCharitiesHawaii.org





CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea, Hawaii 96701

To: Sen. Josh Green, M.D., Chair
Senate Committee on Health

Sen. Clayton Hee, Chair
Senate Committee on Judiciary and Labor

From: Jane Clement, President

Date: March 20 2012, 10:00 a.m.
State Capitol, Room 016

Re: Testimony on H.B. No. 2374
Relating to Language Access

Thank you for the opportunity to submit testimony in support of H.B. No. 2374, Relating to Language Access.

My name is Jane Clement and I am the president of the Congress of Visayan Organizations (COVO), the umbrella of Visayan organizations in the state of Hawaii. COVO strongly supports this bill, which would transfer the office from the Department of Labor and Industrial Relations (DLIR) to the Department of Health (DOH) as an administratively attached agency.

COVO would like to thank the DLIR for hosting OLA during the past several years. We would also like to thank the DOH for opening its arms and providing a new administrative home to OLA. We believe that transferring OLA to DOH will further strengthen the office inasmuch as the purposes and functions of the two agencies are congruent.

We strongly urge the two committees to pass this bill.

Office of Language Access Advisory Council

830 Punchbowl Street, #322

Honolulu, Hawaii 967813

March 19, 2012

TO: Senator Josh Green, M.D., Chair and members of the Senate Committee on Health, and Senator Clayton Hee, Chair and members of the Senate Committee on Judiciary and Labor

FROM: Dominic Inocelda, Chair and members of the Office of Language Access Advisory Council

RE: **Support of HB 2374**, To Transfer the Office of Language Access from the Department of Labor and Industrial Relations to the Department of Health

In 2006, the legislature passed and the Governor signed the Language Access Law which created the Office of Language Access (OLA). This law ensures that limited English speaking persons have equal access to state-funded services in Hawaii. The law also created an advisory council to advise and support the work of the office.

The advisory council has reviewed and discussed the current status of the Office of Language Access and has concluded that it would be in the best interest of the office to transfer from the Department of Labor and Industrial Relations to the Department of Health. It is felt that at the current time the Department of Health would provide a broad base of support and alignment of goals relating to strengthening language access initiatives for limited and non-English speakers in the State. As we have a commitment to support the success and ability of the office to fulfill its function, the advisory council would like to request your support for the passage of HB 2374.

On behalf of the advisory council I would like to express our appreciation for your review and thoughtful consideration for the passage of HB 2374.

Listed below are the current advisory council members and their affiliations:

Advisory Council Members / Affiliation

<u>Name</u>	<u>Representing</u>	
Uriarte, Edelene	Limited English Population	
Thein, Tin Myaing Dr.	Bilingual Referring Agency- Pacific Gateway Center	
Brow, Anh "Betty"	Oahu Representative	
Mabanglo, Ruth Dr.	U.H. Dept. of Language	
Asuncion, Llto M.	Hawaii County Representative	
Melba Bantay	Covered Entity	
Inocelda, Dominic	Advocacy Organization	
Ohta, Gerald	State Government	
Santa Maria, Mary F. MS, MPH	Maui County Representative	
Boido, Marcella Alohalani	Interpreter Organization	
Dotson, Jennifer L.	Bilingual Case Management	
Rawlins, Namaka Dr.	Hawaiian Language Organization	
Turturici, Azi	Kauai Representative	
Pagano, Kristine K.H.	DCAB	Ex-officio
Hoshijo, William	Civil Rights Commission	Ex-officio

LATE

Inter-Agency Council for Immigrant and Refugee Services

c/o Susannah Wesley Community Center
1117 Kaili Street
Honolulu, Hawaii 96819

March 19, 2012

**TO: Senator Josh Green, M.D., Chair and Members of the Senate
Committee on Health, and**

**Senator Clayton Hee, Chair and Members of the Committee on
Judiciary and Labor**

**FROM: Dominic Inocelda, President, Inter-Agency Council for Immigrant and
Refugee Services and Its Members**

**RE: TESTIMONY: In Strong Support of HB 2374, Relating to Language
Access**

I and the members of the Inter-Agency Council for Immigrant and Refugee Services would like to ask for your support to pass HB 2374, which would transfer the Office of Language Access from the Department of Labor and Industrial Relations to the Department of Health as an administratively attached agency.

The Inter-Agency Council has been a strong supporter of language access for Hawaii residents and visitors who speak little or no English. The organization was one of the key partners in the passage of the law which created the Office of Language Access. As such, we have a deep interest in the ability of the office to fulfill its purpose "to affirmatively address, on account of national origin, the language access needs of limited English proficient persons".

At this current time and circumstances we feel that a transfer of the Office of Language Access from the Department of Labor and Industrial Relations to the Department of Health would better serve the purpose of the office. The Department of Health has had a long history of service to the limited English speaking population and has a current focus on ensuring that health related concerns address all of Hawaii's people. The coverage of health concerns includes a broad spectrum of a person's life and therefore the Office of Language Access could have a broader impact on the State's ability to ensure language access. We have a general consensus that the offices' placement within the Department of Health would provide OLA with a broader base of support that would strengthen its ability to successfully fulfill its mission and to achieve its goals.

Again we ask for your support in the passage of HB 2374. We thank you for listening and providing an opportunity to voice our support of HB 2374.

Green4 - Mailene

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 4:46 PM
To: HTHTestimony
Cc: OSEDILURIARTE@GMAIL.COM
Subject: Testimony for HB2374 on 3/20/2012 10:00:00 AM

Testimony for HTH/JDL 3/20/2012 10:00:00 AM HB2374

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: EDELENE URIARTE
Organization:
E-mail: OSEDILURIARTE@GMAIL.COM
Submitted on: 3/19/2012

Comments:

MY NAME IS EDELENE URIARTE, FORMER PRESIDENT OF THE MICRONESIAN COMMUNITY NETWORK AND AN ACTIVE LEADER OF THE MICRONESIAN COMMUNITY IN HAWAII. THIS IS MY WRITTEN TESTIMONY TO SUPPORT HB2374.