

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor

March 29, 2012

To: The Honorable David Ige, Chair, Michelle Kidani, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Thursday, March 29, 2012

Time: 9:00 a.m.

Place: Conference Room 211, 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.

The transfer will enable OLA to more effectively and efficiently use its resources by being located in an agency that performs similar purposes, which will result in better

collaboration and sharing of resources. This will enable OLA to be 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.

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
HONOLULU, HAWAII 96813
www.hawaii.gov/labor/ola
Phone: (808) 586-8730 / Fax: (808) 586-8733
Email: dlir.ola@hawaii.gov

To: Sen. David Ige, Chair
Sen. Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

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

Date: March 29, 2012, 9:00 a.m.
State Capitol, Room 211

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

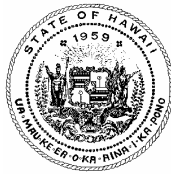
coordination, and technical assistance to state agencies in their implementation of language access requirements under the law.

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 committee to approve this legislation.



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

March 27, 2012

**TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Thursday, March 29, 2012
9:00 a.m., Conference Room 211

BY

BARBARA A. KRIEG
INTERIM DIRECTOR

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

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON IGE AND MEMBERS OF THE COMMITTEE:

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.



CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea, Hawaii 96701

To: Sen. David Y. Ige, Chair
Sen. Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

From: Jane Clement, President

Date: March 29, 2012, 9:00 a.m.
State Capitol, Room 211

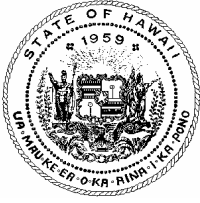
Re: Testimony on H.B. No. 2374
Relating to Language Access

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 members of the committee to pass this bill.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 ·PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 29, 2012
9:00 a.m.
Conference Room 211

To: The Honorable David Ige, Chair
and Members of the Senate Committee on Ways and Means

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 2374

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

H.B. No. 2374 transfers the functions and duties of the Office of Language Access (OLA) from the Department of Labor and Industrial Relations to the Department of Health. The HCRC is an ex-officio member of OLA’s Language Access Advisory Committee, and has historically supported the formation and operation of OLA to address the language access needs of limited English proficient persons to state and state-funded services, programs, and activities. The HCRC supports the placement of OLA in whichever department the Administration, OLA, and the Legislature feel is best suited to the successful performance of its functions and responsibilities.



CATHOLIC CHARITIES HAWAII

TO: Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Ways and Means

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

DATE: Thursday, March 29, 2012 (9:00 a.m., Room 211)

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.

