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## A BILL FOR AN ACT

RELATING TO LABOR.

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

1           SECTION 1. The State of Hawaii, located at the crossroads  
2 of the Pacific Ocean, has long played a key role in  
3 transportation, education, commerce, tourism, and security of  
4 the Asia-Pacific region. Faced with an increasingly dynamic and  
5 competitive global society, the State must ensure that its  
6 workforce has the skills required to maintain Hawaii's status as  
7 a nexus of international enterprise.

8           Specifically, there is an immediate need for state  
9 employees who are proficient in a language in addition to  
10 English. These employees are needed to reduce linguistic  
11 barriers to promote state initiatives, build partnerships, and  
12 pursue the State's interest in non-English speaking contexts,  
13 both overseas and in the State. Moreover, state employees  
14 proficient in a language in addition to English will increase  
15 the level of global awareness within state government, enhance  
16 the State's capacity to participate fully in new opportunities  
17 for economic growth and entrepreneurial development in the



1 twenty-first century, and enhance the overall competence and  
2 professionalism of the State's workforce.

3 Although there are state employees who have attained  
4 functional proficiency in a language other than English through  
5 home- or school-based language training, these language skills  
6 may be inadequate to meet the demands of the workplace. A means  
7 of ensuring that employees have the requisite level of language  
8 proficiency for the workplace is necessary.

9 To attain the level of language proficiency required for  
10 state employees to meet the demands of the workplace, formal and  
11 professional language training is required. Due to the lack of  
12 training, a corresponding lack of qualified candidates exists in  
13 the pool of state employees.

14 Accordingly, the purpose of this Act is to identify state  
15 employee positions with functions that need improved language  
16 access in accordance with chapter 321C, Hawaii Revised Statutes,  
17 and for these positions:

- 18 (1) Identify languages other than English for which  
19 proficiency is needed;
- 20 (2) Develop and implement training courses to enable state  
21 employees to attain the requisite levels of  
22 proficiency in languages other than English.



1 (3) Develop and implement examinations to certify such  
2 language proficiency; and

3 (4) Recognize the increased workplace value of state  
4 employees who attain proficiency in a language other  
5 than English by providing a salary incentive to such  
6 employees.

7 SECTION 2. Chapter 321C, Hawaii Revised Statutes, is  
8 amended by adding two new sections to be appropriately  
9 designated and to read as follows:

10 "§321C-A Language proficiency; pay differential. (a) The  
11 office of language access shall:

12 (1) Identify state employee positions with functions that  
13 need improved language access in accordance with this  
14 chapter; and

15 (2) For each position identified, identify the languages  
16 other than English for which proficiency is needed.

17 (b) For the languages identified under subsection (a)(2),  
18 the office of language access shall develop and administer  
19 examinations to certify state employees' proficiency.

20 (c) A state employee who is in a position identified under  
21 subsection (a)(1) and has been certified as proficient in a  
22 language in addition to English that has been identified for



1 that position under subsection (a)(2), shall be compensated an  
2 additional ten per cent of the employee's base salary.

3 (d) To continue to receive the salary differential under  
4 subsection (c), a state employee shall complete the  
5 certification requirements set forth in subsection (c) every  
6 five years.

7 **§321C-B Language proficiency programs.** The University of  
8 Hawaii, with assistance from the office of language access,  
9 shall develop and administer courses in languages other than  
10 English to enable state employees to attain language proficiency  
11 as required for certification under section 321C-A; provided  
12 that the language proficiency courses offered shall be free of  
13 charge to state employees."

14 SECTION 3. Section 321C-2, Hawaii Revised Statutes, is  
15 amended by adding two new definitions to be appropriately  
16 inserted and to read as follows:

17 "Proficient" means certified as having successfully  
18 completed a proficiency examination in a language other than  
19 English by the office of language access.

20 "State employee" means an employee or officer of the State  
21 of Hawaii."



1 SECTION 4. Section 321C-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§321C-6 Office of language access; established. There is  
4 established within the department of health, for administrative  
5 purposes only, the office of language access. The head of the  
6 office shall be known as the executive director of the office of  
7 language access. The executive director shall be appointed by  
8 the governor without regard to chapter 76. The executive  
9 director shall:

10 (1) Provide oversight, central coordination, and technical  
11 assistance to state agencies in their implementation  
12 of language access requirements under this chapter or  
13 under any other law, regulation, or guidance;

14 (2) Provide technical assistance to covered entities in  
15 their implementation of this chapter;

16 (3) Review and monitor each state agency's language access  
17 plan for compliance with this chapter;

18 (4) Where reasonable access is not provided, endeavor to  
19 eliminate the language access barrier using informal  
20 methods, including conference, conciliation,  
21 mediation, or persuasion. Where the language access  
22 barrier cannot be eliminated by informal methods, the



1 executive director shall submit a written report with  
2 the executive director's opinion and recommendation to  
3 the state agency or the covered entity. The executive  
4 director may request the state agency or the covered  
5 entity to notify the executive director, within a  
6 specified time, of any action taken on the executive  
7 director's recommendation;

8 (5) Consult with language access coordinators, the  
9 language access advisory council, and state department  
10 directors or their equivalent;

11 (6) Subject to section 321C-3, create, distribute to the  
12 State, and make available to covered entities,  
13 multilingual signage in the more frequently  
14 encountered languages in the State, and other  
15 languages as needed, informing individuals of their  
16 right to free oral language services and inviting them  
17 to identify themselves as persons needing services;

18 (7) Adopt rules pursuant to chapter 91 to address the  
19 language needs of limited English proficient persons;

20 (8) Administer a statewide language access resource center  
21 that shall:



- 1           (A) Maintain a publicly available roster of language  
2           interpreters and translators, listing their  
3           qualifications and credentials based upon  
4           guidelines established by the office of language  
5           access in consultation with the language access  
6           advisory council;
- 7           (B) Train state and state-funded agencies on how to  
8           effectively obtain and utilize the services of  
9           language interpreters and translators;
- 10          (C) Support the recruitment and retention of language  
11          interpreters and translators providing services  
12          to state and state-funded agencies;
- 13          (D) Provide, coordinate, and publicize training  
14          opportunities to increase the number and  
15          availability of qualified language interpreters  
16          and translators and further develop their  
17          language interpretation and translation skills;  
18          and
- 19          (E) Work toward identifying or creating a process to  
20          test and certify language interpreters and  
21          translators and promote use of the process to



1                   ensure the quality and accuracy of the language  
2                   interpretation and translation services; [~~and~~]

3       (9) Have the authority to hire personnel necessary to  
4       staff the statewide language access resource center  
5       and to administer its multilingual website. The  
6       staff, at a minimum, shall consist of one full-time  
7       project coordinator, three full-time program  
8       specialists, and one full-time clerk. To the extent  
9       possible, the executive director shall hire bilingual  
10      personnel to staff the statewide language access  
11      resource center and to administer its website[-]; and

12      (10) Promote state employee proficiency in languages other  
13      than English for state employee positions to improve  
14      language access."

15           SECTION 5. No later than twenty days prior to the  
16   convening of the regular sessions of 2015 and 2016, the office  
17   of language access shall submit to the governor and the  
18   legislature a written report of its progress in promoting state  
19   employee proficiency in languages in addition to English  
20   pursuant to this Act. The progress report shall include, among  
21   other things, findings and any recommendations, including  
22   proposed legislation, if any, pursuant to this Act.





1 SECTION 6. No later than twenty days prior to the  
2 convening of the regular session of 2015, the university of  
3 Hawaii shall submit to the governor and the legislature a  
4 written report of its plan and any recommendations, including  
5 proposed legislation to develop and administer language  
6 proficiency courses pursuant to this Act.

7 SECTION 7. No later than twenty days prior to the  
8 convening of the regular session of 2016, the university of  
9 Hawaii shall submit to the governor and the legislature a  
10 written report of the actions it has taken and any proposed  
11 legislation to develop and administer language proficiency  
12 courses pursuant to this Act.

13 SECTION 8. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so much  
15 thereof as may be necessary for fiscal year 2014-2015 to carry  
16 out the purposes of this Act.

17 The sum appropriated shall be expended by the office of  
18 language access for the purposes of this Act.

19 SECTION 9. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so much  
21 thereof as may be necessary for fiscal year 2014-2015 for the



1 purpose of developing and administering language proficiency  
2 courses in languages other than English for state employees.

3 The sum appropriated shall be expended by the University of  
4 Hawaii for the purposes of this Act.

5 SECTION 10. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 11. This Act shall take effect on July 1, 2014.  
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INTRODUCED BY:

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JAN 17 2014



# H.B. NO. 1972

**Report Title:**

Office of Language Access; State Employees; Proficiency in Languages Other than English

**Description:**

Requires the Office of Language Access to implement identification, training, and certification procedures to develop a multi-lingual state workforce. Requires the University of Hawaii to develop and administer language training courses. Effective July 1, 2014.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

