



CATHOLIC CHARITIES HAWAII

TO: Representative Mark M. Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair
Committee on Labor & Public Employment

FROM: Melba Bantay, Immigration Program Director

DATE: Tuesday, February 16, 2016 (10:00 a.m., Room 309)

RE: **HB 2226, Relating to the Office of Language Access**

Catholic Charities Hawai'i supports HB 2226, Relating to the Office of Language Access, to appropriate funds for 3 full-time equivalent permanent positions within the Office of Language Access.

As a member of the OLA Advisory Board, I recognize the excellent and important work that OLA does to ensure that individuals with Limited English Proficiency are able to access information and resources.

This bill will add two full-time permanent researcher positions and one full-time permanent office assistant position so that the office may successfully carry out its important role in promoting language accessibility, improving the understanding of laws related to language access, responding to complaints about lack of language accessibility for limited English proficient individuals, and providing support for covered entitled with the development and implementation of language access plans.

Thank you for this opportunity to provide testimony in support of HB 2226.



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS

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LATE

To: Rep. Mark M. Nakashima, Chair
Rep. Jarrett Keohokalole, Vice Chair
House Committee on Labor & Public Employment

From: Helena Manzano
Executive Director, Office of Language Access

Date: February 16, 2016, 10:00 a.m.
State Capitol, Room 309

Re: Testimony on H.B. 2226 H.D.1
Relating to the Office of Language Access

The Office of Language Access (“OLA”) appreciates the opportunity to testify on H.B. 2226 H.D. 1 Relating to the Office of Language Access. My name is Helena Manzano, OLA’s Executive Director since February 2015. OLA **strongly supports the intent** of H.B. 2226 H.D. 1, which provides the funding needed to restore the original staffing, functions, and operations of the office as was intended by the legislature when Hawaii’s Language Access law and this office was established by statute in 2006.

The purpose of OLA’s enabling statute (Hawaii Revised Statutes 321C) is to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies (including the counties). Under this law, OLA is charged with providing oversight, central coordination, and technical assistance to state and state-funded agencies in their implementation of language access compliance – now a civil right under both state and federal law.

When OLA was created nearly 10 years ago, the office’s staff of six was able to provide much needed services and guidance to agencies as they worked toward compliance with not only state language access law, but with federal regulations as well. When the 2009 Reduction-In-Force brought OLA’s staff down to one, so too did the degree of compliance. The office eventually received enough funds to restore two of the five lost positions in 2012. However, OLA continues to lack the manpower needed to provide adequate technical assistance and compliance monitoring that meet agencies’ needs since OLA has continued to operate with half the staffing as originally intended by the 2006 legislature.

Moreover, in 2013, Act 217 added additional responsibilities to the office by creating a language access resource center and a multi-lingual website pilot project, which contemplated five additional staff, greatly increased the office’s workload without sufficient resources to support these new functions. The appropriation in that measure, and delayed release thereof, was inadequate to

timely and effectively operate these additional programs – leaving their execution to the same three OLA staff: an executive director, a legal analyst, and a secretary.

In the last few years, we have seen a marked increase in legal action and compliance monitoring from civil rights divisions of various federal agencies. For example, last May, our State Department of Transportation settled a class action suit in federal court which claimed the agency violated language access law by failing to provide translations of its drivers' license exam in a manner that constituted intentional discrimination. We are aware of three other major state departments that have also been sued, investigated, and/or monitored by federal agencies for lack of compliance.

Our observations and discussions with these agencies indicate how important and cost-effective it is for them to be proactive with OLA's assistance. Once the federal authorities begin to monitor and scrutinize an agency's language access efforts, many of our state agencies have found they have lost much of their control over time, resources, and manner of administration in favor of how 'the feds' believe they should conduct business. (For example, it took nearly eight years for Hawaii's Department of Human Services to finalize its resolution agreement with the U.S. Department of Health and Human Services – Office for Civil Rights in response to their investigation of a language access complaint.)

Our county agencies have also been subject to legal action and compliance monitoring by the federal authorities. Most recently, language access was an important feature of a law suit by the ACLU against the City and County of Honolulu for its alleged failure to provide adequate notice about the storage and destruction of the property of the homeless - a significant proportion of which are LEP.

Needless to say, there is much work for OLA to do to assist our state and state-funded agencies in understanding and meeting its civil rights obligations to provide language access. The office intends to have enough staff and operational capacity to work effectively and proactively with our agencies in implementing their language access efforts and complying with its federal and state civil rights obligations. With our assistance, we hope the state and state-funded agencies can avoid costly penalties and expense through so-called "voluntary compliance" or lost federal funding.

BACKGROUND ON THE CIVIL RIGHT TO LANGUAGE ACCESS

Title VI of the Civil Rights Act of 1964 prohibits discrimination by federal and federally-funded agencies on the basis of national origin, race or color. If an agency is found in violation of Title VI, that agency may lose its federal funding. This civil rights obligation applies to a significant proportion of our state and county agencies, as well as non-profits.

Executive Order 13166 by President Clinton in 2000 specifically reinforced and emphasized the nondiscrimination provisions of Title VI; and sought to apply related case law which held that discrimination by federal or federally-funded agencies against those with limited English proficiency constitutes national origin discrimination. With its related regulatory guidance, Executive Order 13166 directed federal agencies to develop and implement a system by which LEP persons could meaningfully access an agency's services.

Hawaii's language access law - passed in 2006 and codified under HRS 321C - directly reflects the principles, directives, and recommendations of Title VI, Executive Order 13166, and related regulations; requiring even more from state and state-funded agencies.

OLA appreciates this committee for its commitment to language access and for the opportunity to provide this testimony.

HAWAII FILIPINO LAWYERS ASSOCIATION

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LATE

Date: February 16, 2016

To: Rep. Mark M. Nakashima, Chair
Rep. Jarrett Keohokalole, Vice Chair
House Committee on Labor & Public Employment

Re: Testimony on H.B. 2226 HD1 - Relating to the Office of Language Access

The Hawaii Filipino Lawyers Association (HFLA) appreciates the opportunity to submit this testimony in **strong support of HB2226 HD1** relating to the Office of Language Access.

This bill would help ensure our state's compliance with civil rights laws by providing the funds to adequately staff and operate the Office of Language Access (OLA), as this has been a challenge since the office was stripped of the majority of its resources during the budget cuts and reduction-in-force during the financial crisis in 2009.

We are also excited about the new leadership at the helm of OLA and its concerted focus on civil rights compliance across all branches of government.

Among one of the purposes of the HFLA is to advocate for the interests of the Filipino community in Hawaii. A significant proportion of those with limited English proficiency in Hawaii are Filipino; and our membership would like to ensure that their access to government and government-funded services is not hindered by language.

Moreover, as attorneys, we think it is essential that our state is compliant with the civil rights laws that prohibit discrimination based on language ability due to national origin. We understand that failure to follow the law in this area may mean a reduction or removal of federal funds to services that are essential to Hawaii's Filipino community.

Thank you for this opportunity to testify on this measure in support.

The purposes of the HFLA are: to promote participation in the legal community by Filipino lawyers; to represent and to advocate the interests of Filipino lawyers and their communities; to foster the exchange of ideas and information among and between HFLA members and other members of the legal profession, the Judiciary and the legal community; to encourage and promote the professional growth of the HFLA membership; to facilitate client referrals and to broaden professional opportunities for Filipino lawyers and law students.

February 05, 2015

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To: Members, Senate Committee on Health
Re: Support for Bill HB2226

Dear Senate Committee Members:

I hope you would take some time to seriously consider this bill; the Office of Language Access is committed to improving and educating State agencies and members of the community on the value of the right to be able to understand one another through Language Access. They have put great time and effort in to many workshops, seminars and conferences, enhancing the value of their work and their service to the community, with a reduced staff of only 3 people for a few years.

This year, 2016, will mark 10 years since the Language Access Law was enacted in Hawaii, and this will be a great opportunity to help the Office of Language Access grow and continue to help the State of Hawaii and it's population who have a different language than English to integrate more. In my experience as a Spanish Interpreter for many of the State Courts and also Immigration Court, I can tell this issue of language access and accessing basic services such as medical, legal and throughout the community at large it's still a challenge for many.

I strongly support this bill and I hope you will as well,

Rebeca Zamora

LABtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 16, 2016 5:51 AM
To: LABtestimony
Cc: terrina@pacificgatewaycenter.org
Subject: *Submitted testimony for HB2226 on Feb 16, 2016 10:00AM*

LATE

Follow Up Flag: Follow up
Flag Status: Completed

HB2226

Submitted on: 2/16/2016

Testimony for LAB on Feb 16, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Terrina Wong	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 15, 2016 9:49 PM
To: LABtestimony
Cc: hidina@msn.com
Subject: Submitted testimony for HB2226 on Feb 16, 2016 10:00AM



Follow Up Flag: Follow up
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HB2226

Submitted on: 2/15/2016

Testimony for LAB on Feb 16, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Dina R Yoshimi	Individual	Support	No

Comments: Over the past three years, I have become very familiar with the exceptional work OLA undertakes to support the development of language access plans for State agencies, monitor compliance with State and federal civil rights laws regarding language access, and educate all sectors of the State -- legal and medical personnel, interpreters/translators, etc. -- regarding requirements for federal compliance and, most critically, updates on changes in best practices, which are constantly under review and revision by federal agencies. Through their Herculean efforts, this essential work has been carried out by the current staff of three employees -- three employees to supervise the civil rights compliance of an entire state, where one in four residents speaks a language other than English at home. These numbers don't add up in any language. Supporting this bill will make a difference statewide, both for those who work with and provide services to our multilingual population, and for those who depend on meaningful and effective language access plans, and well-informed State workers, to provide critical services. Thank you for your careful consideration of and support for this bill.

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Aloha, PM Azinga

Honorable Chair, Vice-Chair, Members of the Committee on Labor & Public Employment

*Mina san Ohiyo gozaimasu
Futatsu no gengo o shitte iru
hito wa kachi ga futari no otokodesu*

LATE TESTIMONY

*Dajia Hao
Shui zhidao liang zhong yuyan
de ren di de shang liang ge ren*

I've just shared with you in Japanese & Mandarin Chinese, a Turkish Proverb that is almost identical to the French Proverb. They are interpreted as such:

"One who speaks only one language is one person, but one who speaks two languages is two people." However, the French version goes like this....."A man who knows two languages is worth two men."

As an American woman, I'd like to give these proverbs a little tweek.

"A woman who knows two languages is worth three men, for she rocks the cradle."

Act 290, Session Laws of Hawaii 2006 requires the state to develop plans to provide interpretive services and translate documents to the immigrant and resident who speaks limited English. This is a formidable job that has been undertaken by the Office of Language Access with great success considering that 24.8% of the population of the State of Hawaii speaks another language other than English at home. OLA does this by minimizing the disconnect to education, medicine and legal services encumbered by language. By mobilizing people and resources. By inspiring empowerment growing a movement of community language leaders. By working toward networking, partnership and collaboration. This ultimately leads to economic stimulation and branding of Hawaii as a multilingual citadel. Where no door is closed due to the inability to speak and understand English. Standing in support of continued funding however acknowledging the need of expansion of staff from 3-5 to complete the work that is at hand.

Mahalo