

## LANGUAGE ACCESS ADVISORY COUNCIL

STATE OF HAWAII  
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS  
830 Punchbowl Street  
Honolulu, Hawaii 96813

Wednesday, February 11, 2009  
DLIR Conference Room 320

### MINUTES

The meeting was called to order at 9:08 A.M. with quorum by Chairperson Dominic Inocelda.

#### 1. Attendance

##### *Present:*

- |                               |   |
|-------------------------------|---|
| - Dominic Inocelda            | Language Access Advisory Council, Chairperson             |
| - Gerald Ohta                 | Language Access Advisory Council, Vice-Chair              |
| - Dr. Suzanne Zeng            | Language Access Advisory Council Member                   |
| - Sr. Earnest Chung           | Language Access Advisory Council Member                   |
| - Serafin "Jun" Colmenares    | Executive Director, Office of Language Access, Ex-officio |
| - Livia Wang for Bill Hoshijo | Executive Director, Civil Rights Commission, Ex-officio   |
| - Jennifer Li                 | Language Access Advisory Council Member                   |
| - Azi Turturici               | Language Access Advisory Council Member                   |
| - Dr. Tin Myaing Thein        | Language Access Advisory Council Member                   |
| - Mary Santa Maria            | Language Access Advisory Council Member                   |
| - Alohalani Boido             | Language Access Advisory Council Member                   |

##### *Excused:*

- |                                    |   |
|------------------------------------|---|
| - Lito Asuncion                    | Language Access Advisory Council Member     |
| - Canisius Filibert                | Language Access Advisory Council Member     |
| - Kristine Pagano for Francine Wai | Executive Director, DCAB, Ex-officio        |
| - Nāmaka Rawlins                   | Language Access Advisory Council Member     |
| - Betty Brow                       | Language Access Advisory Council Member     |
| - Kendall Zukeran                  | Research Analyst, Office of Language Access |

##### *Others Present:*

- |                       |   |
|-----------------------|---|
| - Frances Lum         | Department of the Attorney General              |
| - Jeremy Low          | Research Analyst, Office of Language Access     |
| - Uilani Pauole de Sa | Senior Legal Analyst, Office of Language Access |
| - Gail McGarvey       | Clerk Typist, Office of Language Access         |
| - Brenda Fagin        | Guest   |

#### 2. Welcome and Introductions

- Brenda Fagin introduced herself. She works part-time for a non-profit, does interpretation in Ilocano and was attending the meeting as an interested private citizen.

3. **Approval of minutes of January 11, 2009 meeting**
  - Motion to approve the minutes made by Gerald Ohta. Seconded by Azi Turturici.
  - Minutes approved unanimously. Motion carried.
4. **Executive Director's Report – See attached**
  - Executive Director Colmenares reported there is an additional 2% restriction on the budget.
  - U'i Pauole de Sa, is the representative and resource person for the Judiciary's Language Access and Data collection trainings they had in early February.
  - OLA is seeking to involve neighbor island counties with Language Access and give help developing their plans.
  - Dr. Fred Magdalena had requested an extension of 2 more weeks to finish his report.
  - Regarding funding for state language access training, OLA will not be getting funding from DHS, reply still pending from DOH, and Executive Office of Aging.
  - Sr. Earnest Chung wanted to bring to the attention of the council the language access plan for county emergency services, that there is a system in place however work needs to be done to bring the LA plan/system procedures to the attention of the workers who come into contact with Limited English Proficient (LEP) individuals.
5. **Update on Language Access Conference Planning**
  - Jennifer Li, chair, has announced that she is pregnant and her expected due date is in July.
  - Outline has been made and they are waiting on budget outcome.
  - Dates available at the East-West Center are September 24, 25, 2009, pending a deposit.
  - Committee is continuing to seek outside sponsors.
  - Invitations for keynote speakers are being sent out.
  - Firming up conference topics.
6. **Legislative Matters**
  - Handout distributed, "2009 Legislative Session Legislations Relating to Language Access"
  - SB312 (HB813) Bill to designate the month of September as "Language Access Month" to promote awareness of language access for government services passed the second reading by the Committee on Human Services and referred to the Committee on Judiciary and Government Operations.
  - SB710 (HB1570) Language Access: Translation Bank Appropriation requires OLA to maintain a group of translators (in 5 of the most needed languages) that shall be available to departments. Appropriates funds. Referred to LBR and WAM committees.
7. **Recap on Committee Restructuring and Appointment of Language Access Month Sub-Committee Chair**
  - Dominic Inolcelda said the structure is not changed, just how it operates. Special Projects Committee assignment of chair as needed when the project comes up. Same as By Laws, as needed.
  - Language Access Month, sub-committee chair, need names and volunteers, co-chair must come from the council but members of the committee can come from outside.
  - Per Francis Lum, chair must be assigned at a council meeting first, and then sub-committee meetings will not fall under Sunshine Law rules and regulations.
  - Question on how to incorporate the neighbor islands as participants on committee



**8. Updates on Language Access Complaints**

- U'i reported that there were 2 informal complaints, one involving employment and Korean language interpretation, the other Hawaii Housing Authority and eviction and the language is Chukeese. Legal Aid is involved in the housing eviction and taking action regarding Language Access.
- Mary Santa Maria from the State, Department of Health, Maui District Health Office (MDHO) reported a situation that had occurred at a Maui hospital. This was not a formal complaint to the Office of Language Access (OLA) but it was a formal complaint to MDHO.

A female patient who does not speak English brought her interpreter with her to labor and delivery at the hospital. The interpreter needed to leave before the birth. The hospital did not at any time attempt to provide interpreter services for the patient. As a result, the incorrect name was recorded on the birth certificate and the mother thought she was signing a release form for pain medication for herself but instead had signed a release form for a shot for the baby.

The hospital did eventually recognize their error in not utilizing the phone interpretation service which they have available and have remedied the incorrect birth certificate. Mary did not know if the patient was going to file a formal complaint with OLA, but she did share the complaint procedure with the case worker.

**9. Announcements**

- Dominic Inocelda reported that the Inter-Agency Council supports the move of Office of Community Services (OCS) from Department of Labor and Industrial Relations to Department of Human Services. Three areas of concern are: 1. OCS should not use immigrants as a focus, 2. OCS to maintain reasonable milestones so the agencies can reach them and 3. OCS focus on employment, self-sufficiency and to include self employment.
- Next Language Access Advisory Council Meeting will be on Wednesday, March 11, 2009 at 9:00 A.M. in the DLIR Director's conference room 320.

**10. Adjournment**

- Meeting was adjourned at 10:20 A.M.

# LANGUAGE ACCESS ADVISORY COUNCIL

STATE OF HAWAII  
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS  
830 Punchbowl Street  
Honolulu, Hawaii 96813

Wednesday, January 14, 2009  
DLIR Conference Room 320

## MINUTES

The meeting was called to order at 9:18 A.M. by Chairperson Dominic Inocelda.

### 1. Attendance

#### *Present:*

|                                    |   |
|------------------------------------|---|
| - Dominic Inocelda                 | Language Access Advisory Council, Chairperson             |
| - Gerald Ohta                      | Language Access Advisory Council, Vice-Chair              |
| - Dr. Suzanne Zeng                 | Language Access Advisory Council Member                   |
| - Sr. Earnest Chung                | Language Access Advisory Council Member                   |
| - Serafin "Jun" Colmenares         | Executive Director, Office of Language Access, Ex-officio |
| - Livia Wang for Bill Hoshijo      | Executive Director, Civil Rights Commission, Ex-officio   |
| - Kristine Pagano for Francine Wai | Executive Director, DCAB, Ex-officio                      |
| - Jennifer Li                      | Language Access Advisory Council Member                   |
| - Azi Turturici                    | Language Access Advisory Council Member                   |
| - Dr. Tin Myaing Thein             | Language Access Advisory Council Member                   |
| - Lito Asuncion                    | Language Access Advisory Council Member                   |
| - Betty Brow                       | Language Access Advisory Council Member                   |
| - Mary Santa Maria                 | Language Access Advisory Council Member                   |
| - Canisius Filibert                | Language Access Advisory Council Member                   |

#### *Excused:*

|                   |   |
|-------------------|---|
| - Alohalani Boido | Language Access Advisory Council Member |
| - Nāmaka Rawlins  | Language Access Advisory Council Member |

#### *Others Present:*

|                       |   |
|-----------------------|---|
| - Frances Lum         | Department of the Attorney General              |
| - Kendall Zukeran     | Research Analyst, Office of Language Access     |
| - Jeremy Low          | Research Analyst, Office of Language Access     |
| - Uilani Pauole de Sa | Senior Legal Analyst, Office of Language Access |
| - Dr. Fred Magdalena  | University of Hawaii at Manoa                   |

### 2. Welcome and Introductions

### 3. Approval of minutes of December 10, 2008 meeting

- Motion to approve the minutes made by Lito Asuncion. Seconded by Mary Santa Maria.



agencies were mostly in compliance, seven were in “partial compliance”, and two were found to be in “non-compliance.”

- Areas that the agencies are struggling with include identifying their vital documents, public contact positions, bilingual staff, training issues, and data collection.
- The posting of multilingual posters is the signature tool that gets the agencies rolling in implementing their language access plans. Some agencies have not even taken this initial step.

**7. Update on Language Access Conference Planning**

- Jennifer Li has accepted the role of chairing the conference planning efforts.
- Two meetings were held over the holidays outlining what the conference may look like.
- The tentative dates are September 24 & 25, 2009, which are a Thursday and Friday.
- There will be two tracks: Language Access Plan Implementation and Best Practices.
- The University of Hawaii’s East-West Center will be the event site due to its central location.
- Fee of \$100 for attendees, which will include 2 breakfasts, lunches, and materials.
- Keynote speakers will need to pay their own travel expenses and suggestions were made to invite New York Mayor Bloomberg, the new Secretary of the Department of Labor, or the new Attorney General for the Department of Justice.
- Funding will be sought by speaking with other agencies, foundations, seeking the assistance of LAAC members, etc.
- Concerns were raised that attendance will be greatly impacted as a result of the economic downturn, layoffs, and other uncertainties. In addition, if the OLA’s budget is reduced significantly, the conference should be cancelled.

**8. Legislative Matters**

- Only one bill for this legislative session, which is to make every September “Language Access Month” in Hawaii.
- New LAAC members should be present at their upcoming confirmations since an absence is not looked on favorably.

**9. Appointment of Language Access Month Sub-Committee Chair**

- Tabled till the next LAAC meeting.

**10. Updates on Language Access Cases/Agreements**

- DHS’ voluntary agreement with the U.S. Department of Health and Human Services and Office for Civil Rights (OCR) is ongoing. DHS is aware that it needs to meet certain deadlines and has been in contact with the Federal Government.

**11. Announcements**

- The next Language Access Advisory Council meeting will be on Wednesday, February 11, 2009 at 9 A.M. in DLIR Conference Room 320.
- Dr. Myaing advised that Pacific Gateway has moved to a new address, 83 North King Street. The agency phone number is the same.
- Dominic Inocelda reported that the Inter-Agency Council on Immigrant Services and the OLA are working on submitting a proposal for a \$50,000 grant, related to immigrant integration. This is due at the end of the month.
- Kristine Pagano announced that the Disability and Communication Access Board (DCAB) and Assistive Technology Resource Center (ATRC) will be sponsoring a “Technology

**Language Access Advisory Council Meeting  
February 11, 2009**

**Report of the Executive Director**

**Budget Status:**

- Additional 2% restriction on budget.
- March 12, 2009 – next Council on Revenues report

**Operations:**

- Served as resource persons in Judiciary's Language Access/Data Collection Trainings for administrators/managers and supervisors/staff (six days).
- Discussed with neighbor island county advisory council representatives how to involve neighbor island county governments in language access.
- Attended opening of Legislature and met with several legislators, January 21, 2009.
- Attended Filipino Legislative Caucus meetings on January 22, 2009 and February 3, 2009.
- Attended informational meetings with the House Labor and Finance Committees and the Senate Labor and Ways & Means Committees on January 23 and 29, 2009.
- Submitted legislation (SB312/HB813) on Language Access Month; reviewed other legislations related to language access; prepared and presented testimonies.
- Attended Governor's State of the State Address on January 26, 2009.
- Attended IAC meeting on January 28, 2009.
- Finalizing procedures manual as part of the DLIR Manual.
- Preparing final monitoring reports for state agencies receiving federal funds.
- Staff prepared draft of "Statewide Standards for Any Person Involved in Interpreting in the Delivery of State Services" and "Waiver of Free Interpreter Services" for discussion by state language access coordinators.

**Update on Language Access Resource Center Study**

- Dr. Magdalena requested for two more weeks to finish the report.

**Update on Training Project**

- Request for funding support from DHS turned down. Awaiting response from DOH.

**2009 Legislative Session**  
**Legislations Relating to Language Access**

| Bill No.                         | Title  | Referral                   | Status                            |
|----------------------------------|--|----------------------------|-----------------------------------|
| SCR5<br>(SR8)<br>HCR13<br>(HR17) | Requesting Exec Off on Aging to do a study of various unresolved issues relating to aging including determining how best to accommodate language barriers                        | HMS                        |                                   |
| SB303                            | Requires each school to establish and post a pandemic preparedness plan on the DOE website. Plan to include requirements for students who do not speak English as first language | EDH/HTH                    |                                   |
| SB312<br>(HB813)                 | Designates month of September as "language access month"   | HMS, JGO<br>(TCI, FIN)     | HMS pass unamended<br>(testimony) |
| SB710<br>(HB1570)                | Requires OLA to maintain a group of translators in 5 most-needed languages that shall be available to departments; appropriates funds  | LBR,WAM<br>(LAB, FIN)      |                                   |
| SB1072<br>(HB112)                | Ombudsman to develop and implement a pilot program using informed customers to investigate customer service at HPHA; insure that informed customers include LEP                  | EDH,WAM<br>(HSG, LMG, FIN) | EDH 2/11 Hearing<br>(testimony)   |
| SB1094<br>(HB894,<br>HB1375)     | Pilot program to direct payment of certain state funds to FQHC as patient-centered health care homes; interpretation as one of enabling services                                 | HTH,WAM<br>(HLT/HUS,FIN)   | HLT/HUS Pass unamended            |
| SB1208<br>(HB1362)               | Establishes a licensure program for genetic counselors; genetic licensing practice includes interpreting language  | HTH,CPN<br>(HLT,CPC,FIN)   | HTH 2/11 Hearing                  |
| SB1264<br>(HB1540)               | Requires HI Medical Board to collect and publish information about physicians (information to include language access)   | HTH,CPN<br>(HLT,CPC/JUD)   | HLT 2/10 Hearing<br>(testimony)   |
| SB2830                           | Caregiving; includes recommendation to discuss methods to accommodate language barriers  |                            |                                   |
| HB914                            | Creates Cover Hawaii health care access program for the uninsured (benefit plan and marketing materials provided in languages approved by OLA)                                   | HLT,CPC,FIN                |                                   |
| HB1687                           | Requires employers to provide paid sick leave to employees; requires DLIR to publish and make available to employers in all languages spoken by LEP persons                      | LAB,JUD,FIN                |                                   |



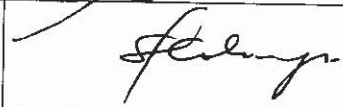
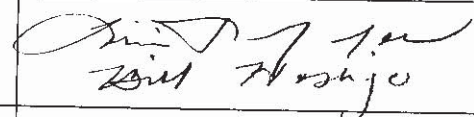
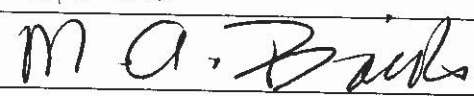
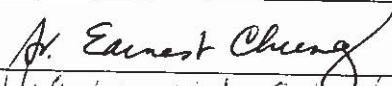
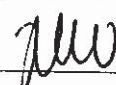

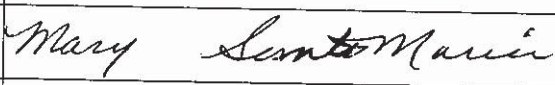
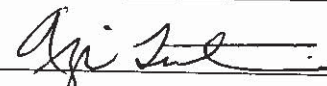
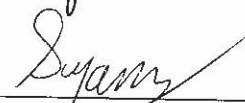


OFFICE OF LANGUAGE ACCESS ADVISORY COUNCIL MEETING

LANGUAGE ACCESS ADVISORY COUNCIL  
STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 Punchbowl Street Rm. 320  
Honolulu, Hawaii 96813

ROLL CALL/ ATTENDANCE

FEBRUARY 11, 2009  
9:00 AM TO 10:30 AM

| Name/Guest   | Signature  |  |
|--|--|--|
| Dominic Inocelda<br>Inter-Agency Council on Immigrant<br>Services; Chair     |    |  |
| Gerald Ohta<br>Department of Health; Vice-chair                              |    |  |
| Serafin "Jun" Colmenares<br>Office of Language Access<br>Ex Officio          |    |  |
| Bill Hoshijo<br>Hawaii Civil Rights Commission<br>Ex Officio                 |    |  |
| Lito Asuncion<br>Hawaii County Office on Aging                               | Excused  |  |
| Alohalani Boido<br>Hawaii Interpreter Action Network                         |  |  |
| Betty Brow<br>BOH, International Banking Center                              | Excused  |  |
| Sr. Earnest Chung<br>Catholic Charities Hawaii                               |  |  |
| Canisius Filibert<br>Micronesia Community Network                            | 2/11/09 Unable to attend   |  |
| Jennifer Li<br>Muscular Dystrophy Association                                |   |  |
| Dr. Tin Myaing Thein<br>Pacific Gateway Center                               |  |  |
| Kristine Pagano rep for Disability &<br>Communication Access Board           | Excused  |  |
| Nāmaka Rawlins<br>Aha Punana Leo; UH-Hilo Hawaiian<br>Language Center        | Excused  |  |
| Mary Santa Maria<br>Maui District Health Office                              |  |  |
| Azi Turturici<br>Kauai Agency on Elderly Affairs                             |  |  |
| Dr. Suzanne Zeng<br>UH Center for Interpretation and<br>Translation Services |   |  |



OFFICE OF LANGUAGE ACCESS ADVISORY COUNCIL MEETING

[illegible]