

LANGUAGE ACCESS ADVISORY COUNCIL

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

July 5, 2007
10:00 a.m.
Director's Conference Room (Room 321)

A G E N D A

1. Introductions.
2. Election of chair and vice-chair.
3. Discussion and adoption of by-laws.
4. Establishment of regular meeting schedule.
5. Discussion of agenda for next meeting.
6. Announcements.

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MINUTES OF MEETING

Meeting started at 10:05 a.m.

In Attendance:

- Alohalani Boido Language Access Advisory Council Member
- Bill Hoshijo Executive Director, HICRC, Ex-officio Member
- Canisius Filibert Language Access Advisory Council Member
- Dominic Inocelda Language Access Advisory Council Member
- Frances Lum Department of the Attorney General
- Gerald Ohta Language Access Advisory Council Member
- James Hardway Assistant to the Director, DLIR
- Jeremy Low Research Analyst, Office of Language Access
- Lito Asuncion Language Access Advisory Council Member
- Nāmaka Rawlins Language Access Advisory Council Member
- Nelson Befitel Director, Department of Labor and Industrial Relations
- Serafin "Jun" Colmenares Executive Director, Office of Language Access, Ex-officio member
- Shari Dela Cuadra Research Analyst, Office of Language Access
- Tin Myaing Thein Language Access Advisory Council Member

Absent:

- Dr. Suzanne Zeng Language Access Advisory Council Member
- Sr. Earnest Chung Language Access Advisory Council Member

1. Introductions

- A. Welcome by Jun Colmenares, Executive Director, OLA extended to the members of the Language Access Advisory Council (hereinafter Council).
- B. Introductions by those in attendance

2. Election of chair and vice-chair

- A. Per Frances Lum, Department of the Attorney General, ex-officio members are non-voting members and thus the seven, present members of the Language Access Advisory Council are entitled to vote for chair and vice-chair. Frances Lum will also serve as the parliamentarian.
- B. Responsibilities of chair and vice-chair, under Article VII, Section 5 (which in the proposed by-laws reads as the second "Section 4") were read.

- C. Dominic Inocelda was nominated for chair and having no other nominations for chair, Dominic Inocelda was unanimously affirmed as chair.
 - D. Gerald Ohta was nominated for vice-chair and having no other nominations for vice-chair, Gerald Ohta was unanimously affirmed as vice-chair.
 - E. Chairperson Dominic Inocelda presided over the rest of the meeting.
3. Address by Nelson Befitel, Director of Labor
- A. Nelson Befitel thanked the Council for serving and volunteering their time.
 - B. Also provided update on the OLA efforts to ensuring people are receiving fundamental government services and are not denied because of their limited English speaking ability.
 - C. Shared 6 month plan to provide education and outreach, and prioritized state agencies and agencies receiving state funding that affect LEP customers the most: Health, Human Services, Employment, and the Judiciary.
4. Discussion and adoption of by-laws
- A. Topics of discussion and issues:
 - i. Laws referred to in the by-laws
 - a. Question by Nāmaka Rawlins regarding the laws referred to in the by-laws.
 - b. According to Jun Colmenares, OLA will provide the Council members with copies of the laws (i.e., Sunshine law).
 - c. Per Frances Lum, although by-law state that the Council will follow Robert’s Rules, state laws supersede.
 - ii. Term limits for Council members
 - a. Alohalani Boido raised concern regarding term limits of members
 - b. Per Bill Hoshijo, there is a statutory requirement for term limits for Boards and Commissions, which warrant the term limits under Article III, Section 4 of the proposed by-laws.
 - iii. Interpreters for Council meeting
 - a. Gerald Ohta brought up the issue of dealing with notice for interpretation need for the Council meetings.
 - b. On the next notice regarding the Council meeting, Jun Colmenares will include notice for interpretation.
 - c. OLA staff will arrange interpreter service if needed.
 - iv. Monthly meeting
 - a. Lito Asuncion brought up issue under Article V, Section 2 regarding monthly meeting. Will monthly meetings be needed after the bulk of work for OLA is done?
 - b. Gerald Ohta suggested to add language “as agreed to by board.”

- c. Bill Hoshijo suggested including under Section 2, “unless otherwise determined by the Council.”
 - v. Solicitation
 - a. James Hardway inquired about Article XI, Section 5, regarding the authority of members of the Council to solicit money.
 - b. Because additional funding is not necessary, deleting Article XI, Section 5 is proposed.
 - B. Action regarding adoption of by-laws
 - i. Council members will need to:
 - a. Review the proposed by-laws prior to next meeting;
 - b. Bring questions, comments, proposed modifications, and additions to the next meeting;
 - c. Discussion regarding by-laws will be held.
 - ii. By-laws are scheduled to be finalized by the September 12 meeting.
5. Establishment of regular meeting schedule
 - A. Meetings are scheduled for the following dates (usually the first Tuesday of the month, unless otherwise indicated)
 - i. August 7
 - ii. September 12 (second Wednesday, due to Labor Day holiday the week prior)
 - iii. October 2
 - iv. November 6
 - v. December 4
 - B. Time of meeting:
 - i. 9:30 a.m. to 11:00 a.m.
 - ii. Duration of meeting will be no longer than 2 hours
 - iii. Any agenda item or discussion not dealt with will be tabled for the next meeting.
 - C. Meeting other than in person:
 - i. Sunshine laws prohibits participating in a meeting via telephone (through speaker phone)
 - ii. Sunshine laws allow video conferencing
 - a. Options to consider:
 - DOH has videoconferencing capabilities
 - Using skype
 - b. Will test out options and discuss at next meeting.
6. Presentation of OLA 6 month plan (James Hardway passed out OLA's Agency Start-up, 6 month plan)
 - A. Outreach and Education
 - i. website
 - ii. brochures for agency and LEP customers
 - B. Compliance Assistance

- i. plan review
 - ii. workshops for state and covered entities starting July 23
 - iii. target: full compliance by all agencies by December 31, 2007
- C. Enforcement
 - i. intake and complaint procedures
- D. Operations
- E. Personnel

- 7. Discussion of agenda for next meeting: Agenda items
 - A. Status report of the OLA
 - B. By-laws discussion
 - C. OLA Staff will do training/workshop that will be provided to state agencies and covered entities.
 - D. What would be an excused absence for not attending meeting?
 - E. Report to the Legislature due 20 days before legislature opens
 - F. Concerns regarding use of employees for interpretation and competency.

Issues and concerns may be placed in the "parking lot" for future discussion.

- 8. Announcements
 - A. Gerald Ohta has developed language cards that are similar to "I Speak" cards but provides more information and allows the individual to provide information regarding medical conditions and their rights under HRS §§ 371-31 to 37.
 - B. Aloha United Way has 211 and provides language access.

Meeting Ended at 11:18 a.m.

OFFICE OF LANGUAGE ACCESS

Agency Start-Up / 6-Month Plan (2007)

Focus ==> LEP Customer

Benchmarks: 50% Compliance by 9/28/07; 100% Compliance by 12/31/07 for all covered agencies

I. OUTREACH AND EDUCATION	II. COMPLIANCE ASSISTANCE	III. ENFORCEMENT
<p>A. Develop Website Presence [Launch July 6, 2007]</p> <ul style="list-style-type: none"> • Who are we? • What we do? • What is the law? (Layperson's language) • FAQ's • LEP Customer • Agency Customer • OLA Contact Information • Instructions to file a complaint & Standard Complaint Form for LEP Customers • Request for Compliance Assistance Form for Agency Customers <p>B. Publications: Both LEP and Agency Customers</p> <ul style="list-style-type: none"> • Distribute poster requesting language access; revise and reprint DLIR's poster [July 11, 2007] • Brochure: Guidelines for Agencies [July 13, 2007] • What is the law? • What do they need to do? • Provide or direct them to sample the policy on the website? • Provide OLA's contact information & usefule resources (e.g., interpretation agencies) • Palm Card: LEP Customer Rights [July 13, 2007] • What are your rights? • Layperson's explanation of the law • English Language first (will publish cards in other foreign languages most frequently spoken) 	<p>A. Federally Funded Programs [Full Compliance by July 2, 2007]</p> <ul style="list-style-type: none"> • Priority Agencies: DLIR, DHS, DOT, DOH, DOE, Judiciary • Submission Deadlines <p>[Agencies submit draft by 6/26/07; OLA returns for revision by 6/28/07; Agencies submit final plan by 7/02/07]</p> <ul style="list-style-type: none"> • Create Checklist/Evaluation Form for Plan Review [July 26, 2007] • Ensure checklist is consistent with state law (review by AG's Office) <p>B. Create Master List Database of Covered Agencies on Excel Database [July 6, 2007]</p> <ul style="list-style-type: none"> • Database should include useful categories • To assist in tracking & case management (initial mtgs., plan submission, due dates, dates of compliance, etc.) • To assist in developing reports (type of services provided, likely clientele, address, location by island, etc.) • Identify priority agencies: Human Services, Health, Employment and Judiciary <p>C. Develop System for Compliance Assistance</p> <ul style="list-style-type: none"> • Initial Face-to-Face Meeting • Drafting Assistance (Review, evaluation, revisions) • Implement Deadlines • Schedule workshops for agency customers on all islands (Oahu, Maui, Hawaii, Kauai, Molokai, Lanai) • Develop standard materials for workshops (i.e., PowerPoint, and hand-outs) <p>D. Benchmarks: [50% Compliance by 9/28/07; 100% Compliance by 12/31/07]</p>	<p>A. Establish Office Enforcement Procedures [July 20, 2007]</p> <ul style="list-style-type: none"> • Develop complaint procedures and standard complaint forms • Develop office intake procedures • Complaints Line (How to Process) • Resolution process/procedures. • Ensure timeliness of investigation • Ensure follow up on problem agencies <p>B. Develop/Obtain Software Tracking System [July 27, 2007]</p> <ul style="list-style-type: none"> • Case Management • Reports

OFFICE OF LANGUAGE ACCESS

Agency Start-Up / 6-Month Plan (2007)

Focus => LEP Customer

Benchmarks: 50% Compliance by 9/28/07; 100% Compliance by 12/31/07 for all covered agencies

IV. OPERATIONS

- A. Establish Work Flow and Individual Roles**
- Provide specific assignments to staff members. Examples:
 - Who will write the publications (website & brochures)?
 - Who will work with the Agency Customers (field work & compliance assistance)?
 - Divide list and set individual benchmarks.
 - Who will conduct intake & investigation?
 - Who will conduct the resolution process?
- B. Compiling Data**
- Agencies in compliance
 - LEP customers (demographics, languages, etc.)
 - Complaint & Resolution (nature of complaints, timeliness of resolution)
- C. Establish Information & Compliance Assistance Line [July 16, 2007]**
- Live person to answer calls
- D. Develop Individual Files for each agency (hard copy of plan, correspondence, etc.) [July 13, 2007]**
- E. Develop system to receive customer suggestions and feedback**
- F. Equipment & Supplies**
- Obtain necessary office supplies (paper, pens, envelopes, etc.) [July 2, 2007]
 - Complete installation of phones, computers, fax, printers, etc.
 - Purchase business cards, etc.

V. PERSONNEL

- A. Fill all positions (permanent and temporary basis) [July 20, 2007]**
- Complete necessary paperwork (position establishments, approvals, etc.)
 - Conduct interviews and make selections
- B. Provide all new hires with clear expectations of their assignments and roles based on this start-up plan. (Example: Provide list of agencies to the research analysts.)**
- C. New Hire Meetings**
- Ensure new personnel are provided DLIR Policies (e.g., Workplace Violence, Harassment, etc.)

VI. NOTES

OFFICE OF LANGUAGE ACCESS: 6-MONTH ACTION PLAN (JULY TO DECEMBER 2007)

1. OUTREACH & EDUCATION	2. COMPLIANCE ASSISTANCE	3. ENFORCEMENT	4. OPERATIONS	5. PERSONNEL
<p>a. Website presence (who we are, what we do, what's the law) FAQs - LEP customer - Agency customer</p> <p>b. Publications - Guidelines for Agencies (what's the law, what do they need to do, provide sample policy, OLA contact info and resources) - LEP Customers' Rights (palm card) (what are your rights, layperson explanation of the law) - in English (will later print in 5 foreign languages most spoken)</p> <p>- Poster - reprint DLIR's poster (add OLA's contact info)</p>	<p>a. Federally funded agencies (priority) - DOT, DOH, DHS, DLIR, Judiciary</p> <p>- full compliance by July 1, 2007 (draft - June 26; review June 27; return for revision June 28; final submission July 1st) - checklist - review and technical assistance</p> <p>b. All other state funded agencies - create master list of all affected agencies on Excel database (priority: human services, health, employment, judicial) - tracking categories (initial meeting, plan submission, contact person) - system for compliance assistance (face-to-face meeting, draft assistance, deadline) - benchmarks: 50% comp 9/30/07, 100% com 12/31/07</p>	<p>a. Establish procedures - standard complaint form - intake procedures - resolution procedures</p> <p>b. Tracking system software</p> <p>c. Follow-up consultation on problem agencies</p>	<p>a. Work flow procedures - division of labor (writer, database person, field work compliance assistance, intake/ investigation, resolution) - establish process (annual) (complaint, response, resolution, follow-up) - compiling data (agencies, demographics, complaints) - establish info/compliance assistance line</p>	<p>Executive Director - Jun (1, 2, 3, 4)</p> <p>Research Analysts - Shari (1, 2) - Jeremy (1, 2)</p> <p>Sr. Legal Analyst - 3, 4</p> <p>Legal Clerk - 1, 3, 4</p> <p>Clerk-Typist - Sherice (2)</p>

**BY-LAWS OF THE
LANGUAGE ACCESS ADVISORY COUNCIL**

Hereinafter referred to as "the Council"

**Article I
PURPOSE**

The language access advisory council shall serve in an advisory capacity to the executive director of the office of language access, providing advice on matters relating to the implementation of and compliance with language access requirements and the provision of language access services as provided by law.

**Article II
AUTHORITY**

Chapter 371-37 of the Hawaii Revised Statutes establishes the language access advisory council within the department of labor and industrial relations for administrative purposes.

**Article III
MEMBERSHIP**

Section 1. Appointment. All members, except for the executive directors of the Hawaii Civil Rights Commission and Office of Language Access, shall be nominated and, by and with the advice and consent of the Senate, appointed by the Governor.

Section 2. Number of Members. The Council shall consist of eleven (11) members.

Section 3. Composition. The Council shall consist of the following:

- (1) One representative from the state government;
- (2) One representative from a covered entity;
- (3) One bilingual case management worker, or an individual who is or has been employed by a state-funded immigrant service agency or program;
- (4) One representative of an advocacy organization that provides services to limited English proficient persons;
- (5) One member from the limited English proficient population who has an interest in the provision of oral language services;
- (6) One representative of the University of Hawaii department of language and linguistics who provides professional training in interpretation and translation;
- (7) One representative of a Hawaiian language advocacy organization;

Section 4. Duties of the Chair. The duties and responsibilities of the Chair shall include, but not be limited, to the following:

- a. To assist the executive director in the preparation of the agenda.
- b. To preside at all meetings of the Council.
- c. To appoint the Chairs and members of standing and ad hoc committees and organize the work of the Council.
- d. To serve ex-officio without vote on all standing and ad hoc committees.
- e. To carry out such other duties and responsibilities incident to such office, including the preparation and presentation of speeches and testimonies.

Section 5. Duties of the Vice Chair. In the absence of the Chair, the Vice Chair shall perform all duties and responsibilities of the Chair, and when so acting, shall have all the powers of such office. The Vice Chair shall perform such other duties as may be assigned, from time to time, by the Council.

Article VIII COMMITTEES

Section 1. Standing Committees. Committees of the Council shall include, but not be limited to the following:

- a. Plans Review Committee – This Committee shall have responsibility for reviewing and advising on the development and implementation of language access plans, and making recommendations to the Council.
- b. Legislative Committee – This Committee shall keep abreast of all legislative matters relating to language access and shall recommend such action deemed appropriate to the Council. It may also assist in coordinating the development of legislative proposals and testimonies in coordination with the executive director.
- c. Special Projects Committee – This Committee shall have responsibility for reviewing and advising on actions relating to special projects or programs relating to language access, and such other related subjects that may be assigned, and making recommendations to the Council.
- d. By-Laws and Procedures Committee – This Committee shall have responsibility for reviewing and proposing amendments to these by-laws as may be appropriate, and proposing procedures for adoption and use by the Council.

Section 2. Ad Hoc Committees. Members of the Council may authorize the establishment of temporary committees as may be necessary. Committees so created shall dissolve upon completion of assignment.

Article XI
GENERAL PROVISIONS

Section 1. Parliamentary Procedure. All meetings shall be conducted in accordance with Robert's Rules of Order, as most recently revised, provided that when State law imposes additional or different requirements, State law shall apply.

Section 2. Notice of Meetings. Written public notices of meetings, except emergency meetings, shall be filed in the Office of the Lieutenant Governor and posted in the Office of Language Access for public inspection at least six (6) calendar days before the scheduled time of the meeting. (Section 92-7, HRS)

- a. Notice Materials shall include an agenda listing all items to be considered; and the date, time, and place of the meeting. Notice shall be posted at the site of the meeting prior to the time of the meeting whenever feasible.
- b. Continued Meetings to a later date or time due to unfinished business shall be announced at the present meeting to inform attendees of the date, time, and place of the continued meeting, and also the items to be considered at that continued meeting.
- c. Dissemination of Notices shall be verified by mailing lists, and it shall be deemed that proper notice is given by deposit of such notice in the U.S. mail box addressed to the address registered with the Office of Language Access. The mailing must be done no later than the time the agenda is filed with the Lieutenant Governor's office.
- d. Agenda Changes may not be made once the notice is filed in the appropriate offices and disseminated through the U.S. mail service, unless the Council, at the meeting, by at least two-thirds recorded vote of all member to which the Council is entitled, approves of such changes. Reasons for making changes shall be given and recorded in the minutes of the meeting.

Section 3. Minutes of Meeting. Written minutes shall be prepared of all meetings. They shall reflect the matters discussed and the views of individual participants. (Section 92-9, HRS)

- a. The date, time and place of the meeting;
- b. The members of the Council recorded as either present or absent;
- c. The substance of all matters proposed, discussed, or decided;
- d. A record, by individual member, of the votes taken; and
- e. Any other information that any member of the Council requests be included or reflected in the minutes.

Minutes of a meeting are public records and shall be made available within 30 days after the meeting is held.