

# LANGUAGE ACCESS ADVISORY COUNCIL

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

Tuesday, October 2, 2007  
9:30 a.m. – 11:30 a.m.  
Director's Conference Room (Room 321)

## A G E N D A

1. Roll Call and Introductions
2. Message from DLIR Director Darwin L.D. Ching
3. Approval of Minutes of September 12, 2007 Meeting
4. OLA Executive Director's Report
5. Report on State Language Access Coordinators' Meeting
6. Pending Legal Challenges (Deputy Attorney General)
7. OLA Strategic Planning Retreat
8. Community Feedback (Council Members)
9. Discussion of Agenda for Next Meeting
10. Announcements

*If you have special needs due to disability or limited English proficiency, please contact the Office of Language Access (OLA) at 586-8730.*

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Tuesday, October 02, 2007  
DLIR Conference Room 321

### MINUTES

The meeting was called to order at 9:37 a.m.

#### 1. Roll Call:

##### Present:

- |                            |   |
|----------------------------|---|
| - Serafin "Jun" Colmenares | Executive Director, Office of Language Access, Ex-officio |
| - Bill Hoshijo             | Executive Director, Civil Rights Commission, Ex-officio   |
| - Dominic Inocelda         | Language Access Advisory Council, Chairperson             |
| - Gerald Ohta              | Language Access Advisory Council, Vice Chair              |
| - Alohalani Boido          | Language Access Advisory Council Member                   |
| - Sr. Earnest Chung        | Language Access Advisory Council Member                   |
| - Nāmaka Rawlins           | Language Access Advisory Council Member                   |
| - Dr. Tin Myaing Thein     | Language Access Advisory Council Member                   |
| - Dr. Suzanne Zeng         | Language Access Advisory Council Member                   |

##### Excused:

- |                     |   |
|---------------------|---|
| - Lito Asuncion     | Language Access Advisory Council Member |
| - Canisius Filibert | Language Access Advisory Council Member |

##### Others Present:

- |                          |  |
|--------------------------|--|
| - Darwin Ching           | Director, Department of Labor & Industrial Relations |
| - Frances Lum            | Department of the Attorney General                   |
| - Shari Dela Cuadra      | Research Analyst, Office of Language Access          |
| - Jeremy Low             | Research Analyst, Office of Language Access          |
| - M. Uilani Pauole de Sa | Senior Legal Analyst, Office of Language Access      |
| - Merry Balatico         | Clerk  |

2. Approval of minutes of September 12, 2007 meeting.
  - As there were no corrections to the September 12, 2007 minutes, a motion was made by Ms. Namaka to approve the minutes seconded by Dr. Thein.
  - Minutes approved unanimously.
3. Message from DLIR Director Darwin Ching

- Director Darwin Ching welcomed and thanked the Office of Language Access Advisory Council for their volunteer work in striving to implement Act 290.
- Director Darwin Ching emphasized the need to remind people of the Law and their obligation.
- He also recommended that funding for the Language Bank be initiated vs. waiting on the feasibility studies which may take up to 5 years.
- Discussion ensued regarding funding request. Requests could be done in two ways: administrative and/or via non-profit.

#### 4. OLA Executive Director's Report

- See written report.

##### Discussion:

- a. Forums as a means to get data.
  - Interpreter's perspective
  - Training (standards, exams, recruitment)
  - Funding (Legislature, grants)
- b. Training: The Judiciary has a court certification program in place (In-Court Interpreters). (OEAC) Office on Equality and Access to the Courts. OLA to Coordinate training and use what the Judiciary Courts already have in place.

#### 5. Report on State Language Access Coordinator Meeting

- See Hand-out on Feedback from State Language Access Coordinators. Shari Dela Cuadra, Research Analyst, noted that the hand-out reflects the issues in alphabetical order.
- Executive Director Colmenares reported that the Language Access Coordinators met to network and give feedback on Budgetary and Non-Budgetary Issues. The two main issues were money and the establishment of a Central Language Bank
- Recommendation and Suggestions to be offered in next LAC meeting scheduled on the 14<sup>th</sup> of November. Executive Director Colmenares will also invite a speaker to help deal with these Issues. He further stated uniting the LAC will make a stronger voice and better impact with the Legislature.

#### 6. Pending Legal Challenges (Deputy Attorney General)

Chairman Dominic Inocelda turned the discussion to Frances Lum, Deputy Attorney General.

- Attorney Lum stated that she is unable to disclose detailed information due to pending litigation, however, the entity, DHHS, went through Federal investigations and is currently in negotiations.

#### 7. OLA Strategic Planning Retreat

Chairman Dominic Inocelda turned the discussion to Executive Director Colmenares.

Director Colmenares informed the Language Access Advisory Council that the date of the Retreat has been set for the 9<sup>th</sup> of November, at Susannah Wesley Community Center from 1 pm to 7 pm.

Dr. Michael Cheang of UH will facilitate. Dinner will be provided. Director Colmenares gave a brief description of the agenda for that day.

- Engage Staff and Council to refine vision, mission and goals.
- Prioritize Objectives
- 5 year plan vs. 10 years
- Discuss strategies in smaller groups

- Creating Logic Models to include action steps.

Discussion:

Ms. Rawlins suggested that the initial stakeholders be involved in the retreat.

Sister Chung suggested that it be opened up to people of interest. Other options- to invite comments on website.

Mr. Hoshijo stated the front end of the "retreat" should be clear on the expectations as to reason for OLA's existence.

According to Deputy Attorney General Frances Lum, the retreat is considered a public meeting and thus would need posting of notices.

Chairman Inocelda, Executive Director Colmenares, and Vice-Chair Ohta to further discuss the retreat agenda with the facilitator, Dr. Michael Cheang.

8. Community Feedback

- Sister Chung informed us on the Article that was in the Sunday Advertiser. Issues with the Increase in Micronesian population using Homeless Services. Negative impact on the Micronesian community, discrimination, etc...
- Shari, Research Analyst, updated the Council in regards to the Micronesian Task Force.
  - OCS and other state agencies are coordinating efforts to support the Micronesian population
- 911 Lack of Linguistic Access. Problems in non-emergent situations. Neighbor Island County Fire Departments will model after the Honolulu Fire Department except For the Big Island.
- Dr. Thein stated DLIR issues regarding employment and contracting interpreters: Employees vs. Independent Contractors.

9. Discussion of Agenda for Next Meeting

- Training (Regarding Plans)
  - a. Sort out the "Best" LEP Plans- use these plans as models for training
- Mr. Hoshijo suggested incremental steps to move process in right direction to include steps for Funding. To be further discussed in "strategic planning".
- Dr. Zeng mentioned besides planning, offer "guidance", and "continuity".
- Director Ching recommended that Frances Lum, AG, update the Council with legal issues, and the ramifications of inaccurate translations, also the implementation of disclaimers.

10. Announcements:

- Cancel November 6, 2007 Advisory Council Meeting in lieu of November 9, 2007 Meeting at Susannah Wesley Community Center.

11. Adjournment:

There being no further discussions, the Meeting of the Office of Language Access Advisory Council adjourned at 11:00 a.m.

**Language Access Advisory Council Meeting**  
**October 2, 2007**

The following is the report of the OLA Executive Director for the preceding month:

Operations:

- Preparing legislative proposals for submission to DLIR:
  - Proposal to amend Language Access Law by expanding the membership of the Language Access Advisory Council to include representatives from the four counties.
  - Proposal to conduct a feasibility study on the establishment of a central language bank; will include a LEP demographic study and needs assessment. A supplemental budget request will accompany this proposal.
  - Proposal to establish a Language Access Week or Month to promote public awareness.
- Set OLA strategic planning retreat for November 9, 2007, from 1:00 to 7:00 p.m., at the Susannah Wesley Community Center. Dr. Michael Cheang of UH will facilitate. Dinner will be provided.
- Attended meeting of the Micronesian (COFA) Task Force; will be involved in the Committee on Services.
- Met with the Director of the Executive Office on Aging to discuss possible collaborations.

Compliance Assistance:

- Planned Parenthood, a covered entity, submitted its language access plan.
- Held workshops in Honolulu on September 14, 18, 21 and 27, and on the neighbor islands: September 14 (2 sessions) in Hilo, September 17 (2 sessions) in Kona, September 19 (2 sessions) in Kauai, and September 24 (2 sessions) in Maui.
- Met with DHS' BESS Division to discuss language access plan issues.
- Held meeting with state language access coordinators to discuss implementation issues.
- Staff continues to work with individual agencies in the development and implementation of their plans.

Education and Outreach:

- Distributed OLA brochures during the 2007 Seniors' Fair at the Blaisdell Center on September 21-23, 2007 (shared a booth with the Executive Office on Aging/SagePlus).
- Distributed OLA brochures during the "Taste of Kalihi" event on September 29, 2007 (provided a free booth).

Next Steps:

- Follow up meeting with state language access plan coordinators to discuss and consider possible solutions to implementation issues.
- Co-sponsoring with the Judiciary (Equality and Access to the Courts) training workshop for Micronesian interpreters in October.
- Plan to hold a forum on language access.

**Feedback from State Language Access Coordinators  
October 1, 2007  
Non-Budgetary & Budgetary Issues**

The following Non-budgetary and Budgetary issues were raised during the first meeting of State Language Access Coordinators. A follow up meeting to begin discussing solutions will be held on November 14, 2007, at 10:00 a.m. – 12:00 p.m., in the DLIR Training Rooms (310-316).

**Non-Budgetary Issues**

<p>Accuracy of language service – When obtaining translation services from an individuals/agency, how does the State ensure accuracy</p> <ol style="list-style-type: none"> <li>1. What if translation is wrong? Agencies will do only 1 re-do</li> <li>2. How do we assure quality?</li> </ol>
<p>ASL → Disability Communications Access Board (DCAB)</p> <ol style="list-style-type: none"> <li>1. What if deaf person that speaks foreign language?</li> <li>2. Issue for deaf person who has ASL as second language.</li> </ol>
<p>Centralization – OLA be clearinghouse for vendors</p>
<p>Centralization –create standards and address budgetary issues</p>
<p>Certification of Employee volunteer translators/interpreters – how to determine (note: Judiciary certifying only In-Court interpreters)</p>
<p>Consequences if do not provide timely language services?</p>
<p>Data collection – system needed to manipulate/report data</p>
<p>DBEDT – 2006 figures can be used</p>
<p>Documents would be translated and need back-translation</p>
<p>Federal guidelines – how to deal with inconsistencies (different benchmarks among federal agencies)</p>

Feedback from State Language Access Coordinators  
 State LA Coordinators Meeting - October 1, 2007  
**Non - Budgetary Issues**

<p>Implementation Issue –          Certain parts of the plan are not implemented. Plan is on the web.          What if individual expects part to already be implemented?</p>
<p>Informal interpreters          DOH – discouraged to use employees, family members (privacy)</p>
<p>Interpreters – finding them on the neighbor islands – duty of State on ensuring interpreter available (fly them in?)</p>
<p>Investigators - How can investigators be neutral?</p>
<p>LA Plan – is it a binding document? Is it an official document? (response: considered an official doc, thus, have signed by Director)</p>
<p>Legal consequences to state entity if not providing accurate translation – Liability</p>
<p>Multi-Lingual Poster –</p> <ol style="list-style-type: none"> <li>1. Errors on poster</li> <li>2. Why the 22 languages chosen? (Answer: determined by DLIR based on frequency of contact)</li> </ol>
<p>Multi-Lingual Poster - Signage – needs to be targeted to population served</p>
<p>OLA's Role          (need to clarify) –</p> <ol style="list-style-type: none"> <li>1. Enforcement</li> <li>2. Technical Assistance</li> <li>3. Multi-lingual signage (posters)</li> </ol>
<p>Solution: 1994 Project – Gov't office that pooled resources – CIBR          (in response to AT&amp;T going elsewhere)</p>
<p>Staff – stating not in their job description to be bilingual (going to union)</p> <ol style="list-style-type: none"> <li>1. Emphasize that it is volunteer basis  <i>(see Union Consultation issue below)</i></li> </ol>
<p>Sub-recipients – are State agencies required to ensure they comply?</p> <ul style="list-style-type: none"> <li>- OLA has oversight of State</li> <li>- Covered Entities are required to establish but not submit, but OLA still can investigate complaints</li> <li>- Depts. contracting/giving \$\$ to other recipients: 11</li> </ul>

Feedback from State Language Access Coordinators  
 State LA Coordinators Meeting - October 1, 2007  
**Non - Budgetary Issues**

<p><i>(Sub-recipients issue, continued)</i></p> <ul style="list-style-type: none"> <li>- Federal law require entity to have oversight – (DHS – feds require specific assurances based on funding source)</li> <li>- Monitoring is difficult – what is the tool to measure?</li> <li>- DOH created standard contract language address language access law</li> </ul>
<p>Survey issues – problem is households that don't speak English at all</p>
<p>Training</p> <p>Free staff training – what will training involve?</p> <ol style="list-style-type: none"> <li>1. State Language Access Law</li> <li>2. LA Plan</li> </ol>
<p>Training</p> <ol style="list-style-type: none"> <li>1. Interpreting vs. providing language services</li> <li>2. different trainings (doing your job vs. using an interpreter)</li> </ol>
<p>Training for staff:</p> <ol style="list-style-type: none"> <li>1. not considered important</li> <li>2. modules on line to accommodate levels</li> <li>3. ASL – interpreters can be resource to determine best practices &amp; terminology (consecutive, simultaneous)</li> </ol>
<p>Union consultation – policy changes</p> <ol style="list-style-type: none"> <li>1. DHS brought up the fact that they would need to consult union</li> <li>2. DOH has used employees as interpreters without Union consultation (union consultation needed only for direct services, personnel changes).</li> </ol>
<p>Vendors - providing languages not needed</p>
<p>Vital documents – determining what documents to translate –</p> <ol style="list-style-type: none"> <li>1. Simplifying document (what will fed funding agencies accept?)</li> <li>2. Terminology used by State need to be simplified so that LEP person understands SPA</li> </ol>
<p>Website in other language?</p> <ol style="list-style-type: none"> <li>1. Central statewide site with translated documents</li> <li>2. DCCA – putting notice on website informing reader of language services</li> </ol>

Feedback from State Language Access Coordinators  
 State LA Coordinators Meeting - October 1, 2007

**Budgetary Issues**

Budget Requests Difficult to determine budget request – don't understand cost of interpreters, commercial activities (?)
OLA's Role - Will OLA assist with requests to BNF?
OLA's Role - OLA going in for money to disburse to other State agencies (OLA will request monies for a feasibility study to determine language bank needs)
OLA's Role - OLA central procurement of language services (?) Example: Telephonic services
Process - Budgetary process cumbersome – need info on process
Provision of Language Services - Will agencies be penalized if unable to provide due to budgetary needs? Answer: Law does not provide OLA with opportunity to penalize, but LEP person can seek remedy
Travel, mileage & per diem for interpreters
Understaffing – Need staff interpreters (not just office support)

**Responses to questions asked by OLA:**

(Note: Some State entities did not respond)

Need (more than one) staff to implement plan: 9 YES, 3 NO
Need money to train staff: 10 YES, 3 NO
Need interpretation services: 19 YES, 2 NO
Need translation services: 24 YES, 1 NO
Planning to have multi-lingual websites: 2 YES (in the future) 1. DHS – civil rights corner on Directors site
Need funding for printing of materials: 16 YES, 2 NO
Need money for system modifications & software for data collection: 5 YES, 2 NO

(end)