

OFFICE OF LANGUAGE ACCESS
LANGUAGE ACCESS ADVISORY COUNCIL MEETING AND RETREAT
September 15, 2010
9:00 a.m. to 3:00 p.m.
DLIR Director's Conference Room 320

MINUTES

1. Call to Order

The meeting was called to order at 9:31 a.m. by Chair Dominic Inocelda, there being a quorum.

2. Attendance

Present were:

Dominic Inocelda	Chair, Language Access Advisory Council
Gerald Ohta	Vice Chair, Language Access Advisory Council
Serafin Colmenares Jr.	OLA Executive Director, ex officio
Livia Wang	Civil Rights Commission, ex officio
Sr. Earnest Chung	Member, Language Access Advisory Council
Dr. Suzanne Zeng	Member, Language Access Advisory Council
Betty Brow	Member, Language Access Advisory Council
Lito Asuncion	Member, Language Access Advisory Council
Mary Santa Maria	Member, Language Access Advisory Council
Azi Turturici	Member, Language Access Advisory Council
Kendall Zukeran	Representing Dr. Tin Myaing Thein

Excused:

Jennifer Dotson	Member, Language Access Advisory Council
Edelene Uriarte	Member, Language Access Advisory Council
Namaka Rawlins	Member, Language Access Advisory Council
Alohalani Boido	Member, Language Access Advisory Council
Francine Wai	Member, Language Access Advisory Council

Others present:

Dew Kaneshiro	Consultant
Barbara Tom	DOH/Nations of Micronesia
Wonho Choi	UH Law student

3. Welcome and Introductions

Those present introduced themselves. Jun Colmenares introduced Pam Martin, administrator of the Wage Standards Division, DLIR, who will be facilitating the retreat.

4. Purposes of the Retreat

Jun Colmenares explained the purposes of the retreat, which were: (1) to review OLA's performance, (2) identify specific issues and challenges that OLA faces, and (3) develop proposals for legislative and other action to address these challenges.

5. OLA Overview: Performance and Challenges

Jun Colmenares gave an overview of OLA's performance from the time the OLA was organized in 2007 up to the present. He reviewed the goals and objectives laid down for OLA during the first OLA retreat and talked about what OLA has done to address these goals. He concluded that OLA was doing well until November 2009 when all of its staff, except the executive director, were removed and its budget cut. Without staffing and budget, the OLA faced difficulties in performing its basic functions. Colmenares then discussed the challenges and issues facing OLA. These included:

- lack of autonomy or independence;
- limited budget;
- staffing;
- purpose of the office (responsibility without authority)
- compliance (lack of teeth), lack of oversight over counties
- role of ED and advisory council

6. Process Guidelines

Pam Martin listed down and explained some ground rules to be followed by the group in the ensuing discussions. These were:

- Listen
- Show respect
- One speaker at a time
- Everyone participates
- Be mindful of the time
- Cell phones on vibrate
- Decisions by consensus/majority rule if no consensus

7. Break-Out Sessions

The group was split into two based on a predetermined grouping. One group discussed the question: How can OLA be more effective? This group met in Room 320 with Dominic Inocelda as facilitator. The other group discussed the question: How can the Language Access Law be strengthened? This group met in Room 417

with Pam Martin as facilitator. The two groups reconvened in plenary session after lunch to give their reports and recommendations.

8. Reports and Recommendations from Break-Out Sessions

The two groups' reports and recommendations are as follows:

How Can OLA Be More Effective?

- Make it an autonomous or independent agency
- Strengthen technical assistance capability/establish a centralized information clearinghouse/provide more training
- Develop staff expertise
- Strengthen state language access coordinators' involvement
- Collaborate with public/private/nonprofit agencies
- Follow up with county plans
- Strengthen the Council

How Can the Language Access Law Be Strengthened?

- Transfer OLA from the executive to legislative branch as an autonomous agency
- Strengthen enforcement; provide consequences to non-compliance
- Give executive director more enforcement authority
- Make the provision of language access a core function of all state and county agencies; include it as a line item in agency budgets
- Make staff positions statutory
- Strengthen the Council

9. Discussion and Framing of Legislative and Other Proposals

From the recommendations made by the two break-out groups, the following were chosen as the top priorities:

- Make OLA autonomous by transferring it to the legislative branch as an independent agency (same status as LRB and Office of the Auditor) and giving its executive director more enforcement authority.
- Develop and strengthen OLA's technical assistance function by making staff positions statutory and developing their expertise; expanding training opportunities for front line and bilingual staff, and interpreters/translators; and establishing a centralized web-based information clearinghouse.
- Revitalize the language access coordinators meetings and develop/strengthen the coordinators' capability to implement their plans.
- Increase collaboration and partnerships with the nonprofit sector

- Extend OLA's oversight over the counties and follow up on the development and implementation of their language access plans.

Jun Colmenares gave a brief summary of a proposed legislation (distributed earlier) which included most of the recommendations made by the group. The legislation's key points are:

- Transfer OLA from DLIR to the Legislature
- Language Access Advisory Council to be changed into the Language Access Commission; members of the Commission to be appointed jointly by the House Speaker and Senate President
- OLA Executive Director to be appointed by the Commission for a term of 3 years; may be removed by the Commission
- Creates the position of First Assistant to the Executive Director; this position, as well as other staff, will be hired by the Executive Director
- Provides for monetary penalties (fines) for non-compliance with the law or for obstruction to the Executive Director's performance of his functions
- Established the Language Access Special Fund
- Provides for a transition period of one year for the transfer from DLIR to the Legislature

The group agreed to adopt the legislation, deleting some provisions and including the group's additional suggestions. In particular, the group felt that the section on Penalties should be removed and in its stead, a provision shall be included which states that if an agency is found to be non-compliant with the law by OLA, the agency will be required to attend a training session or sessions, at the agency's own expense, on the language access law and pertinent topics to be determined by the OLA Executive Director. In addition, the agency's name will be published on the OLA website and other reports identifying it as non-compliant with the language access law.

The revised legislation will be subjected to further community and stakeholder discussions for additional input and feedback before it will be submitted to the legislature.

10. Wrap Up and Next Steps

Jun Colmenares will email a draft report to the Council for feedback. The results of the retreat will also be presented to the state language access coordinators, to the Interagency Council, and to other stakeholders. A final report will be given to the Language Access Advisory Council during its next meeting.

11. Adjournment

The meeting was adjourned at 2:15 p.m.