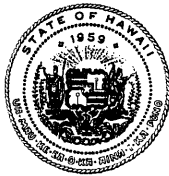


LINDA LINGLE
GOVERNOR



DARWIN L. D. CHING
DIRECTOR

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DEPUTY DIRECTOR


SERAFIN P. COLMENARES JR.
EXECUTIVE DIRECTOR

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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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November 29, 2007

TO: The Honorable Georgina K. Kawamura,
Department of Budget and Finance

THROUGH: Ms. LeNora Wee, Language Access Coordinator;

FROM: Serafin P. Colmenares Jr., Executive Director 
Office of Language Access

SUBJECT: Language Access Plan

Thank you for your department's Language Access Plan, which we received on November 29, 2007.

Based on our review, we have concluded that your written plan meets the requirements of the law. A copy of the approved plan is enclosed for your convenience. We recommend that your agency proceed with implementation and take steps to ensure your employees follow your written plan.

We appreciate your commitment to ensuring that persons with limited English proficiency are provided meaningful access to your services and programs.

If you have any questions, please feel free to call the Office of Language Access at 586-8730.

cc: LeNora Wee

**DEPARTMENT OF BUDGET AND FINANCE
LANGUAGE ACCESS (LA) PLAN**

INTRODUCTION

Act 290, Session Laws of Hawai'i 2006 (Chapter 371 – Part II, Hawai'i Revised Statutes) requires every state agency, or any organization receiving state funding that provides services to the public on behalf of the state to take reasonable steps to ensure meaningful access to programs, activities, or services by limited English proficient persons. The purpose of this LA Plan is to take reasonable steps to ensure that persons with limited English proficiency gain meaningful access to B&F services and programs.

DEFINITION OF LIMITED ENGLISH PROFICIENT PERSONS/CUSTOMERS

For purposes of this LA Plan, LEP persons or LEP customers shall mean individuals, who on account of national origin, who do not speak English as their primary language and who identify themselves as having a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter.

RELEVANT FACTORS

Hawai'i's Language Access Law in HRS § 371-33(a)(1)-(4) provides that B&F shall take reasonable steps to ensure meaningful access to its programs, activities, or services by LEP persons, which will be determined by a totality of circumstance, including the following factors:

1. The number or proportion of LEP persons served or encountered by the program;
2. The frequency with which LEP persons come into contact with the program;
3. The nature and importance of the program, activity, or service; and
4. The resources available to the program and the costs of providing interpretation/translation services.

SUMMARY

This LA Plan is comprised of eight (8) components which are explained on the following pages:

- (1) Development of a reporting system designed to obtain key information about the LEP population who use B&F services;
- (2) Compilation of comprehensive multi-lingual listing of B&F employees;
- (3) Notice of interpretation/translation services to qualified LEP customers;
- (4) Providing interpretation/translation services for qualified LEP customers;
- (5) Designation of a LA Coordinator; and Coordination with B&F staff on the implementation of this plan;
- (6) Coordination with B&F staff on the implementation of this plan;
- (7) Hiring of Bilingual Personnel; and
- (8) Evaluation Process

LA PLAN

I. DEVELOPMENT OF A REPORTING SYSTEM TO OBTAIN KEY INFORMATION ABOUT THE LEP CUSTOMERS WHO USE B&F SERVICES

In order to provide meaningful access to LEP customers, B&F will first seek to gather information about what languages they speak, what B&F services they use, and the frequency in which they use these services.

The LEP Report form (Appendix A) was designed to collect the information necessary to enable B&F to provide meaningful access to LEP customers who use B&F services. The report will collect but not be limited to (1) the kinds of languages that LEP customers need translated; (2) the kinds of B&F services used by LEP customers; (3) the frequency in which LEP customers use certain B&F services, and (4) the number and nature of complaints, if any, and how complaints were resolved. The LEP Report form will be updated by all B&F divisions/agencies/offices on a yearly basis and provided to the LA Coordinator.

II. COMPILATION OF COMPREHENSIVE MULTI-LINGUAL LISTING OF B&F EMPLOYEES

To effectively service LEP customers, B&F must ascertain what language skills and resources B&F may already have available through its employees.

B&F will gather information on languages that B&F employees can speak and/or read, the degree of fluency in those identified languages, and contact information for those employees. Participation in this survey will be conducted on a voluntary basis. An employee on this list may be contacted if practicable, when a LEP customer of B&F's services needs language assistance. The multi-lingual survey will be updated by all B&F divisions/agencies/offices on a yearly basis and provided to the LA Coordinator.

Although an employee may not be fluent in a particular language, depending on the circumstances, that employee's language skills may facilitate a certain comfort level that may contribute significantly to meeting a LEP customer's needs.

III. NOTIFICATION OF INTERPRETATION/TRANSLATION SERVICES TO LEP CUSTOMERS

A. OFFICE NOTICE

Pursuant to HRS Section 371 – 36, a multilingual sign in the more frequently encountered languages in the State, and other languages as needed, shall be posted in public contact areas informing LEP customers of their rights under Hawaii's Language Access law. Such signage shall be created and distributed by the Executive Director of the Office of Language Access.

B. NOTICE FOR REQUESTING WRITTEN TRANSLATION

At the discretion of the LA Coordinator, a written notice will be incorporated in or attached to documents that each division/agency/office administrator believes is important and/or believes, through the experiences of his/her program, needs to be translated. If applicable, and after an analysis of the Relevant Factors, a notice will be translated into the languages identified above and will invite a person who needs translation of a B&F document to contact the LA Coordinator.

IV. PROVIDING INTERPRETATION/TRANSLATION SERVICES FOR LEP CUSTOMERS

A. ORAL INTERPRETATION

In the course of serving our LEP customers, situations may arise where they are unable to negotiate through B&F programs without the assistance of interpreters in their preferred language. To ensure that the inability to communicate in English does not deprive the public of rights and privileges, B&F will provide an interpreter, at no cost to LEP customers, pursuant to the following procedures, and provided that a determination has been made by the LA Coordinator that said situation's RELEVANT FACTORS have been reasonably assessed and that the totality of the circumstances justify language services:

1. In Person

If a customer approaches a B&F employee and appears to be asking for help, but has difficulty communicating what he or she needs, the B&F employee should attempt to determine what language that person speaks. If the language cannot be readily determined, the B&F employee will use the poster mentioned in III.A. to help find out what language the customer speaks. The B&F employee should encourage the customer to review the poster and point to the language in which he/she needs an interpreter.

After the customer points to a language on the poster, the B&F employee will refer to the multi-lingual listing of all B&F employees and contact an available interpreter with the B&F employee's own office. If no one is available to interpret with that office, then the B&F employee will contact an interpreter in the proximity of his or her office by floors. If no one is available within the Department, the employee will contact the B&F LA Coordinator for assistance. The LA Coordinator will then contract with an appropriate language service provider to assist the customer and B&F employee.

The practice of contacting the LA Coordinator for assistance in the event that a B&F employee is unavailable will be initially utilized to facilitate the LA Coordinator's assessment of the department's language access needs and centrally procure language services. The LA Coordinator will develop procedures instructing B&F employees on the process of obtaining language services without the assistance of the LA Coordinator. These procedures will be detailed in subsequent revisions to this language access plan, or provided to B&F employees if determined earlier.

2. Telephone Calls

If a B&F employee receives a telephone call from a LEP customer or representative of a LEP customer needing oral translation, the B&F employee should attempt to determine what language that person speaks and contact an available interpreter with the B&F employee's own office. If no one is available to interpret with that office, then the B&F employee will contact an interpreter in the proximity of his or her office by floors.

In the event a bilingual employee is unavailable, the employee will contact the B&F LA Coordinator for assistance. The LA Coordinator will then find an appropriate language service provider to assist the customer and B&F employee.

If in-person assistance is necessary, the B&F employee, through the bilingual employee or contract language service provider, should encourage the LEP customer/representative to come to the employee's office, so that oral interpretation services may be arranged as set forth above.

B. WRITTEN TRANSLATION

Pursuant to III.B., when a request for a written translation is received by the LA Coordinator, the LA Coordinator shall notify the division/agency/office which sent the document that such a request was made. The LA Coordinator and the administrator of that division/agency/office shall decide whether or not the request should be granted using the four-factor analysis discussed in the "RELEVANT FACTORS" section. It is at the discretion of the LA Coordinator and the administrator to select a qualified translator.

Furthermore, based on the data collected under the LEP Report, Section I, B&F will conduct a needs assessment to determine whether there are any vital documents that need to be translated. Written translation of vital documents will be subject to the four-factor analysis discussed in the "RELEVANT FACTORS" section. Vital documents will also be translated for LEP Groups that constitute 5% or 1000 persons, whichever is less, of the persons served or encountered, subject to the "RELEVANT FACTORS." The needs assessment will be conducted every two (2) years.

V. DESIGNATION OF LA COORDINATOR

The B&F Departmental Personnel Officer shall serve as the LA Coordinator. The LA Coordinator will be responsible for: (1) establishing and implementing the LA Plan; (2) responding to any inquiries or comments/complaints regarding the Plan and its implementation; (3) making revisions and modifications to the Plan as necessary; (4) informing B&F staff of the Plan; (5) serving as the primary contact for LEP customers who may need a written translation of important B&F documents; and (6) coordinating efforts to implement, monitor, and evaluate the Plan.

VI. COORDINATION WITH B&F STAFF

The LA Coordinator will be responsible for the training of B&F staff through the coordination of the distribution of information and materials to B&F staff on the LA Plan. The primary purpose is to impart the necessary background and understanding to implement the objective, principles, and procedures of the Plan. The LA Coordinator shall, as a part of the coordination, either directly or supervise the review and dissemination of current information, the coordination of the yearly updating of the LEP Report form of the language needs of LEP customers, and the yearly updating of the Multi-Lingual Listing of B&F employees.

VII. HIRING OF BILINGUAL PERSONNEL

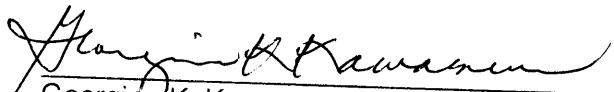
Pursuant to HRS Section 371-33(d), to the extent that B&F requires additional personnel to provide language services as determined by the "Relevant Factors," we shall hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions, provided that such hiring complies with all applicable state and federal laws.

VIII. EVALUATION PROCESS

This LA Plan shall be reviewed and revised in consultation with the Director of Finance, B&F staff, and the Executive Director of the Office of Language Access. Such review, revision, and submission shall take place no later than July 1, 2010.

CONCLUSION

Through the enactment of this LA Plan, B&F, in compliance with Act 290, SLH 2006 (Chapter 371 – Part II, Hawai'i Revised Statutes), has memorialized the steps in providing reasonable and meaningful access to LEP customers who seek B&F services.


Georgina K. Kawamura, Director of Finance
Department of Budget and Finance

NOV 29 2007

Date

Language Access Survey

This Survey is being done to assess where there may be a need in this department to address language access for limited English proficient persons. Please complete the survey below.

1. Does your work involve interaction with the public to provide services, programs or activities to the public? _____ Yes _____ No
If you answered "no" skip questions 2 - 6 and go to question 7.
2. Identify the division in which you work: _____
3. If you answered "yes" to question 1, what type of Public services, programs or activities does your work involve?

4. If you answered "yes" to question 1, on average how often during the course of a month do you encounter a member of the public who does not speak English as their primary language and who identifies themselves as having a limited ability to read, write, speak, or understand the English language? Please check one:
_____ Never or rarely
_____ 1 to 3 times per month
_____ More than 3 times per month
_____ Other - Explain: _____
5. If you answered "yes" to question 1 and you encounter limited English proficient persons as part of your work, please list the types of languages you are encountering:

6. If you answered "yes" to question 1 and you encounter limited English proficient persons as part of your work, are there vital documents used by the Division that would allow such persons better access to services, programs, or activities if a written translation were provided to the public?
_____ Yes _____ No
If you answered "yes", please list the documents that should be considered for translation: _____

7. We anticipate creating a department directory in the event language assistance is needed. Do you speak, read, or write a non-English language? Is, so and you are willing to provide language assistance when needed by the Department, please provide the following information:
Name: _____ Phone #: _____
Division: _____
Languages: _____