

OLA QUARTERLY

Official Newsletter of the
Office of Language Access, State of Hawai'i
"O ka 'ōlelo ke ola - Language is Life
Fall 2012 Edition



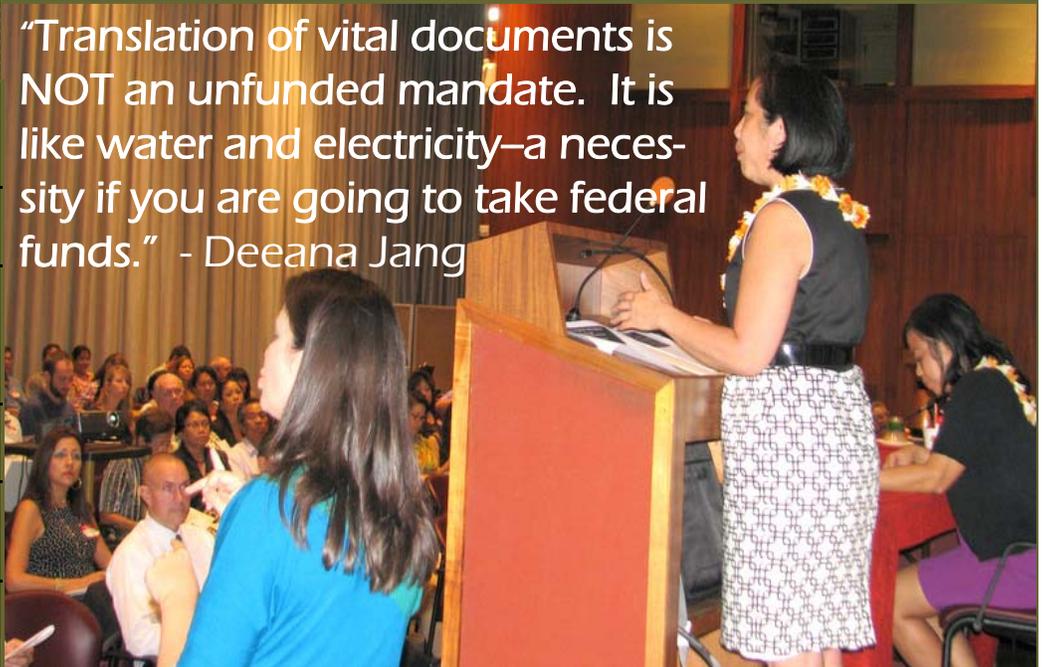
Volume 19, Fall 2012

5th Annual Hawai'i Conference on Language Access ~A Great Success~

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"Translation of vital documents is NOT an unfunded mandate. It is like water and electricity—a necessity if you are going to take federal funds." - Deena Jang



Deena Jang, J.D., Chief of the Federal Coordination and Compliance Section of the Civil Rights Division of the **United States Department of Justice**, addresses conference attendees (totaling over 240) on the *Federal Guidelines on the Translation of Vital Documents*.

She is assisted by American Sign Language Interpreter, and Jennifer Rose, J.D., Language Access Advocate who served as conference moderator on Day 1.

Conference Evaluation results: - Based on over 70 evaluations submitted:

- On whether they found the conference sessions to be appropriate and informative, 68% said they "Strongly Agree"; and 32% said they "Agree".
- On whether they found new contacts and opportunities for future collaboration, 38% said they "Strongly Agree"; and 53% said they "Agree".
- On whether they found the conference to be a valuable professional development experience, 58% said they "Strongly Agree"; and 38% said they "Agree".
- 62% said they found the speakers/presenters to be "Excellent"; 47% said they were "Very Good."
- As for overall satisfaction with the conference, 49% said it was "Excellent"; and 46% said it was "Very Good."





MESSAGE FROM THE EXECUTIVE DIRECTOR

Jun Colmenares

A hearty “thank you and congratulations” to OLA staff, advisory council members, speakers, exhibitors and volunteers for your help and support in making the recent 5th Hawaii Annual Conference on Language Access a resounding success. The evaluation results are out and the majority of those polled had rated the conference “excellent.” Mahalo and I look forward to your continued help as we start thinking about the next conference next year.

- Welcome and congratulations to Pat Harpstrite and Lito Asuncion for their recent appointments as members of the Language Access Advisory Council, representing Honolulu County and the community at large, respectively. As of this writing we are awaiting the appointment of the replacement for Namaka Rawlins, representing a Hawaiian language advocacy organization.

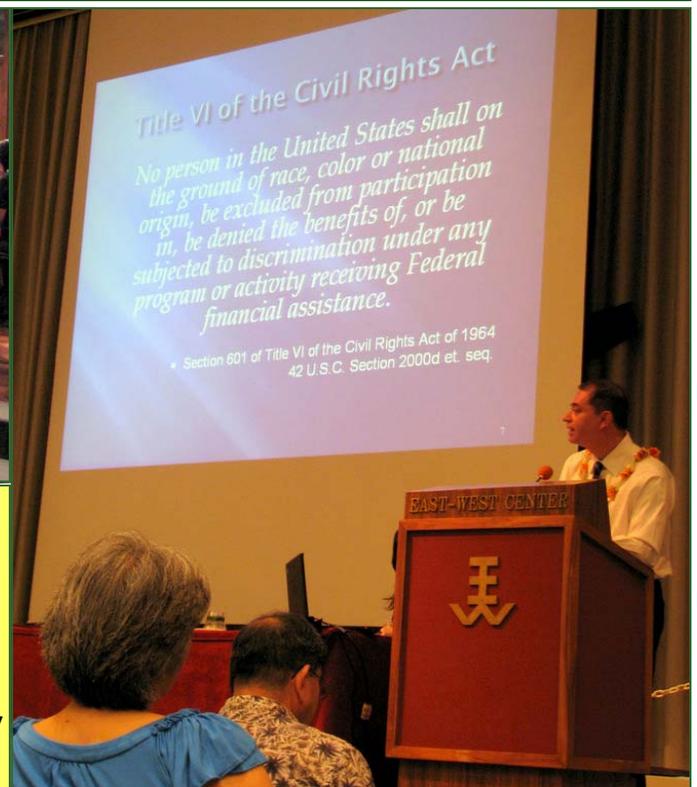
The office is currently busy preparing for two forthcoming events. OLA will be holding its strategic planning retreat on November 7, 2012. The retreat aims at: (1) revisiting the law for possible changes, (2) reviewing the role of the Language Access Advisory Council, and (3) reviewing OLA’s goals, objectives and strategies in light of its transfer to the Department of Health. The one-day retreat will take the place of the advisory council’s meeting for November. Community members are welcome to attend.

The office will also be holding a one-day Language Access Law Forum on November 16, 2012 at the UH School of Law to look at the implementation of the law from the legislative, judicial and executive perspectives. The forum is free and open to the public. It is jointly sponsored by OLA, the UH William Richardson School of Law— Medical-Legal Partnership for Children in Hawaii, and the Hawaii Immigrant Justice Center. We hope to provide the Lawyers with continuing legal education credits from attending the forum.



Above: “Jun” Colmenares instructs attendees on the *Translation of Vital Documents in Hawaii i*.

Right: Michael Leoz, J.D., Regional Manager for Region IX of the U.S. Department of Health & Human Services (DHHS), Office for Civil Rights presents: *Implementation of Federal Guidelines Among DHHS Recipients in Region IX* at the conference.



HAWAII GOVERNMENT—BEST PRACTICES - TRANSLATION OF VITAL DOCUMENTS



Excerpted from a report on the 5th Annual OLA Conference on the Translation of Vital Documents — authored by DLIR's Language Access Coordinator, Pamela Martin

Paradigm Shifts: We have to consider the materials we produce in English as incomplete until they are translated into the languages of the Limited English Proficient populations we are serving. . . .This shift happens at the Division level by including the costs of translating into the regular costs of printing (just as you would a graphic designer) or including the cost of translating a template form on a public database in the items required in an RFP when put out to bid. As a department it means putting an RFP out for translation services much the way we do for copiers or maintenance of equipment. This identifies the cost for different types of documents so they can be budgeted ahead of time.

Easy Changes that can be implemented right away:

- Add the international symbol of attention and the phrase that follows in LEP languages to all envelopes that contain an important notice:

"! This is an important message that affects your rights or benefits from the Hawaii Department of _____ !"

- Review your budgets with this paradigm shift in mind and include funds for printing of standard information in frequently encountered LEP languages.
- Review *Signage* and reproduce in LEP languages. Some of the simple signage translation can be accomplished in-house.
- Make phone recordings for the phone.

Other short term low or no-cost goals

- Include the translation of *Notices* into the next edition of printing costs.
- Start a bilingual glossary (obviously start with English) that will lower costs and provide consistency between translators; may be developed in house.
- Develop a foreign language style guide including fonts and standards to provide consistency between translators.
- Review documents and categorize for translation priorities—i.e. frequently used signage; standard informational pamphlets; applications; periodic or seasonal documents; long standing policies; website material, etc.
- Modify a Notice document to be made into a template that includes only adding numbers, or times, or dates that would be available for hearing notices, benefit notices, or other standard contacts.
- Re-write certain position descriptions to include Limited English Proficient language requirements.

Other possible sources of funding

Some federal programs provide 50% matching funds for translation on related materials, simply by just asking (some areas up to 75%).

The Process of Translation

The preferred process of translation is to have a document translated by a translator, then have a reviewer review it and provide the translator with feed back and recommendations. This process works best with the above mentioned "style guides," and "bilingual glossaries" in place.

Costs of Translation

Generally translation costs are related to word count of the document. Some translators may have a minimum charge that could be as low as \$25. Language Services Hawaii said that their general price range is from .15 to .35 cents per word and showed a two-page brochure that cost \$300 for translation into Japanese.

(continued on page 10)

OLA's 5th Annual Conference—Translation of Vital Documents

(continued)

Jason Reed, LEP Program Manager for the Economic Services Administration, Washington State Dept. of Social and Health Services.



Kleber Palma, Director—New York City—Department of Education Translation and Interpretation Unit.



Joint presentation: *Contracting and the Cost of Translation*—Experience of

What we Learned: **BEST PRACTICES** in the TRANSLATION OF VITAL DOCUMENTS

Senator Chun-Oakland



In the words of the Conference Participants (from evaluations):

- Get more LEP data through the applications process.
- Gain situational awareness.
- Initiate collaboration with pertinent agencies to implement the translation of vital documents.
- Educate the agency of legal obligations.
- Make more informed choices about translations of vital documents..
- Be aware of the needs of LEP individuals.
- Determine what documents are the most relevant, necessary, and beneficial to my agency – and prioritize their translations.
- Be an advocate to get all forms and information in different languages.
- Frequently consult other successful models to guide your agency; collaborate in planning and development of translation projects.
- Develop a coherent plan for responding to the needs of LEP persons – to be able to point LEPs in the right direction.
- Develop a philosophy of inclusion of multiple languages as a standard.
- Keep in mind language access in planning ventures and changes occurring in the future.
- Develop comprehensive Request For Proposals (RFPs) clearly identifying standards and needs.
- Network.
- Be aware of resources and contacts to get additional services to assist clients on a daily basis.
- Better advocate and support clients.

Rep. Aquino with DCCA's Mike Kido



- Be aware that our compliance is mandatory.
- Quickly identify vital documents and implement the translation process.
- Keep client needs and requirements in mind.
- Access machine or live translators as needed. Use agencies available to offer services.
- Show importance of LEP to politicians.
- Better represent Micronesians and LEP in health care
- Get the ball rolling on translating vital documents.
- Use RFP to help develop internal structure of value for services; set a price/cost structure.

Congratulations

**To the newest appointees to the Language Access Advisory Council
LITO ASUNCION & PATRICIA HARPSTRITE**



Lito had previously been a member of the Language Access Advisory Council for five years as the Big Island representative, but had to step down a few months before his term ended because he moved to Kauai where he took a job with the Kauai Agency on Elderly Affairs (KAEA). Soon thereafter, he rejoined the council as a member at-large. Thank you for your

commitment, Lito!

Patricia is a certified Court Interpreter, does work as a medical, community and conference interpreter; and has done legal, business and literary translation. She is an active member and has held various officer positions with the Hawaii Interpreter Action Network (HIAN), the Hawaii Interpreters and Translators Association (HITA), the American Translators Association (ATA), and the National Association of Judiciary Interpreters and Translators (NAJIT). Welcome aboard, Patricia!

IMPORTANT UPCOMING OLA EVENTS

Office of Language Access Retreat



November 7, 2012 8am- 5pm Hawaii
State Capitol – Conference Room 325

The purpose of the retreat is to:

- (1) Revisit the language access law to find out if there is a need to further amend it;
 - (2) Revisit the role of the language access advisory council, as defined in the law, to determine if it is being addressed/implemented;
 - (3) Revisit OLA's goals, strategies and objectives to see if changes have to be made in light of OLA's transfer to DOH.
- Participants will include: members of the State Language Access Advisory Council; OLA staff; and anyone else with an interest.

LANGUAGE ACCESS LAW FORUM



**Best Practices / Your Legal
Obligations
&
Confronting
Implementation Challenges**

Save the date: **November 16**
At the William S. Richardson
School of law.

We hope to provide CLE credit
for HSBA attorney members.

NEWS FROM OLA

**Community Interpreter Training
— Four Certificates of Completion Issued —
Congratulations to:**

Lisa Suk, Irina Francis, Chinny Wang, & Christina Young

These interpreters now hold Certificates of Completion for "The Community Interpreter Training" issued by Cross-Cultural Communications—the vendor that provided the OLA-sponsored training last March.

NEWS FROM THE DEPARTMENT OF HEALTH & OLA

Here's an announcement from DoH's Executive Office on Aging—Congratulations!

**Senior Medicare Patrol (SMP) Hawaii Receives Award for
Outreach to Hard-to-Reach Populations**



On August 15, 2012, the Administration for Community Living (ACL) Regional Administrators and ACL Project Officers for ACL Regions VIII, IX, and X presented Certificates of Award to one Senior Medicare Patrol (SMP) in each Region. For Region IX, which comprises the SMPs in California, Nevada, Arizona, **Hawaii**, and Guam, **SMP Hawaii received the Certificate Award, recognizing SMP Hawaii "for Outstanding Outreach Strategies to Hard to Reach Populations."** Those "strategies" refer to our **outreach to limited English proficient Ilokano-speaking Filipino Medicare beneficiaries** through our Medicare Fraud Prevention Town Hall Meetings on Kauai, Lanai, Maui, and Hawaii; translations of Medicare

fraud prevention print materials; and media outreach through PSAs on Filipino radio programs. **Our partner in this outreach campaign was the Office of Language Access.**

Recognizing that language barriers contribute to the vulnerability of people to scams, SMP Hawaii is continuing its outreach to LEP populations in Hawaii. Currently, SMP Hawaii is running ads in The Hawaii Filipino Chronicle to recruit Filipino-speaking volunteers and to communicate our PROTECT DETECT REPORT messages. To prepare for Medicare's Annual Enrollment Period (AEP) in November-December, SMP Hawaii is having two 30-second PSAs subtitled in Ilokano and Japanese to alert people to telephone and home-visit identity theft schemes that target seniors during the AEP. The PSAs will be aired on KIKU TV in October. We also are subtitled our locally-produced video, "If Your Provider Says . . .," in Ilokano and Japanese to educate those populations about five common types of Medicare fraud, which will be aired on KIKU as well. And next month, KBFJ will air our volunteer-recruitment PSA, aimed at bringing Korean-speaking volunteers to SMP Hawaii.

NEWS IN HAWAII

Perspectives of Chuukese Patients and Their Health Care Providers on the Use of Different Sources of Interpreters

Abstract of an article published in the September 2012 edition of the HAWAII JOURNAL OF MEDICINE AND PUBLIC HEALTH.

Available here: http://www.hjmph.org/HJMPH_Sep12.pdf



Background: Immigrants from Chuuk, a Pacific Island nation in Micronesia, are a growing population of limited-English speakers in Hawai'i. The purpose of this study was to examine the perspectives of Chuukese patients and their physicians in Honolulu, Hawai'i on interpreter services.

Methods: An anonymous multiple choice survey was distributed to potential patients through a Chuukese community group and to physicians through the Hawai'i Residency Programs to examine the following sources of interpreters: Family member or friend, telephone interpreter, or professional in-person interpreter. Statistical significance of cross-tabulated responses was analyzed using Fisher's exact test.

Results: 114 surveys from health care providers and 95 surveys from Chuukese community members were analyzed after exclusion criteria. Using a family member or friend was the method most frequently used by physicians (78%) and Chuukese patients (71%). Telephone interpreters were used the least by physicians (6%) and Chuukese patients (2%) and both rated it poorly in terms of comfort and ease of use. Physicians rated professional in-person interpreters as the best method (67%) while Chuukese patients rated using a family member or friend as the best method (61%), especially among those who reported a lower English proficiency ($P = .04$) and who lived in Hawai'i for fewer years ($P > .01$).

Discussion: The preference of Chuukese patients for using a family member or friend as interpreter differs from national standards which promote the use of a professional interpreter. Given the preference of both physicians and Chuukese patients for in-person interpreters over telephone interpreters, there is a need for increased training and hiring of in-person interpreters.

NEWS FROM ALL OVER



Lost Without Translation: D.C. Office Launches Language Access Campaign

Excerpted from <http://dcist.com/>

D.C. is home to groups of residents hailing from at least 25 different countries that speak some 10 different languages. And though a 2004 law mandates that D.C. government agencies proactively work to offer documents and services in a number of languages, many non-English speakers remain unaware of their own rights.

This week, the D.C. Office of Human Rights has [launched a public service campaign](#) that seeks to inform residents that speak Amharic, Chinese, French, Korean, Spanish, or Vietnamese. D.C. agencies have to [provide interpretation services upon request](#). As part of the campaign—which includes eight videos in those respective languages—the office produced wallet-sized "I Speak" cards that residents can use to request an interpreter in their language.

"Our Language Access Program's on-the-ground work with community advocates reveals the complications in accessing critical government services for those who speak limited or no English," said Office of Human Rights Director Gustavo Velasquez in a statement. "The 'I Speak' cards aim to make the connection between constituent and District services easier, as well as encourage those not fluent in English to contact the D.C. Office of Human Rights when interpretation services or translated materials are not made available."

In an April report titled "[Access Denied: The Unfulfilled Promise of the D.C. Language Act](#)," the D.C. Language Access Coalition and American University's Washington College of Law found that despite the progressive 2004 law, 58 percent of non-English speakers surveyed reported language-related difficulties at D.C. agencies. (Speakers of Vietnamese and Mandarin reported the most difficulties; Amharic speakers also had trouble.) Of those, 74 percent said interpretation services were not provided and 50 percent said that documents or signs in their language weren't available.

NEWS FROM ALL OVER (continued)

Filipino Nurses Lawsuit: Tagalog Speakers Win Discrimination Suit, \$1 Million Award

Associated Press

DELANO, Calif. — Dozens of Filipino hospital workers in California will share a nearly \$1 million settlement in a lawsuit claiming they were targeted by a rule requiring English only at work, federal officials said Monday.

The settlement involves nearly 70 nurses and medical staff members who accused Delano Regional Medical Center in Kern County of banning them from speaking Tagalog and other Filipino languages while letting other workers speak in their native languages, including Spanish, the U.S. Equal Opportunity Employment Commission announced.

The lawsuit, filed jointly by the commission and the Asian Pacific American Legal Center in 2010, accused the hospital of creating a hostile working environment for Filipinos by singling them out for reprimands and by encouraging other staff to report them.

The medical center defended its English-only policy as essential to patient care. In a written statement, officials said the hospital did nothing wrong.

Under California law, employers can require workers to speak English if there is a business necessity.

For decades, thousands of nurses from the Philippines have migrated to the United States to alleviate the nursing shortage. More than half of American nurses trained abroad are from the Philippines.

Filipino nurses in Delano said they were called to a special meeting with hospital managers in 2006, warned not to speak Tagalog, and told surveillance cameras would be installed, if necessary, to monitor them. No other language groups were included in the meeting, the lawsuit states.

Since then, workers said, they were told on a daily basis by fellow staffers to speak only English, even on breaks. The workers allege they were targets of undue scrutiny, discipline, harassment and threats over the issue.

The hospital's policy, which requires the use of either English or the patient's preferred language while care is provided, remains in effect, the hospital's statement said, though it has been updated.

As part of the settlement, the hospital also agreed to develop strong protocols for handling complaints of harassment and discrimination; adopt a language policy that complies with the Civil Rights Act; and conduct anti-harassment and anti-discrimination training for all staff with additional training for supervisors.

Delano Regional Medical Center is a 156-bed hospital located about 30 miles north of Bakersfield.



California Assembly Passes Historic Language Access Bill

Excerpted from the "Greenlining Institute"
- newsletter

SB 1233 Would Require State to Translate Initiative Petitions

SACRAMENTO – In a vote hailed as a historic step forward for millions of California voters whose ability to speak and read English is limited, the state Assembly today passed SB 1233, which would require the state to translate ballot initiative petitions being circulated for signature-gathering into widely-spoken languages. The bill, which passed by 47 to 23, now returns to the Senate for concurrence on amendments.

SB 1233 is authored by Sen. Alex Padilla (D-Pacoima) and sponsored by The Greenlining Institute. It would apply rules similar to those in the federal Voting Rights Act of 1965 to ballot initiative petitions.

Under the Voting Rights Act, which outlawed discrimination in voting, California is required to translate voting materials such as sample ballots and voter information pamphlets into nine languages, including Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog, Thai, and Vietnamese. However, initiative petitions circulated in hopes of qualifying for the ballot are not covered by current law, effectively excluding at least 6 million voting-age Californians whose English is limited from helping to decide what measures reach the ballot.

"Democracy should be for everyone," said Michelle Romero, Greenlining's Our Democracy program director. "California speaks 200 languages, but our initiative petitions speak only one. We can bring millions of voters fully into our democratic process, and it will only cost about a penny per person."

"This bill will help protect all of us by making it harder for signature-gatherers to mislead voters into signing a petition they don't really understand," said Cesar Diaz, Legislative & Political Director of the State Building and Construction Trades Council. "It's just common sense to give all voters an equal say in deciding what goes on the ballot."

In addition to labor, the growing coalition of SB 1233 supporters includes such good government groups as California Common Cause and Maplight.org along with civil rights organizations such as the Mexican American Legal Defense & Education Fund, Asian Americans for Civil Rights and Equality, and the National Council of La Raza and its California Affiliate Network.

THE GREENLINING INSTITUTE
A Multi-Ethnic Public Policy, Research and Advocacy Institute
www.greenlining.org



NEWS FROM ALL OVER (continued)

Schenectady Elections Board Provides Voter Language Access

From the Long Island Exchange: September 13, 2012 <http://www.longislandexchange.com>

As Part Of Statewide Effort, Board Of Elections Agrees To Provide Translated Materials And Ensure Language Access Both On And Before Election Day

(Long Island, NY) Attorney General Eric T. Schneiderman today announced an agreement with the Schenectady County Board of Elections that will help ensure equal access for minority language voters in advance of today's primary election. The agreement outlines steps that will be taken by the Schenectady County Board of Elections, pursuant to Section 4(e) of the Voting Rights Act, which **ensures that certain limited-English proficient voters are provided bilingual ballots, bilingual election-related materials and language assistance at the polls on Election Day.** Today's agreement is the result of the New York State Attorney General's statewide effort to ensure that Spanish-speaking voters have equal access to the political process and do not encounter language barriers on Election Day.



"The right to vote is one of our nation's most important civil rights. This agreement will help ensure that residents in Schenectady County receive language assistance to ensure that they are able to cast an effective and meaningful ballot on Election Day," said Attorney General Schneiderman. **"Schenectady County stands as a model for other Boards of Elections that are now working to develop language access programs that will ensure equal access for all voters and prospective voters, regardless of their proficiency in the English language.** The Board ought to be commended for its cooperation, diligence and commitment to providing language access to all voters."

According to 2010 Census data, approximately 5.5 million New Yorkers do not speak English as their primary language, of whom 45 percent speak English less than very well. These numbers include 2.7 million New Yorkers who primarily speak Spanish at home, of whom 46 percent speak English less than very well. The numbers illustrate rising language needs across our state. To that end, Attorney General Schneiderman's Office has undertaken a comprehensive examination of the language access efforts of Boards of Elections across the state with significant numbers of limited-English proficient Puerto Rican voters pursuant to the Voting Rights Act. The Office is continuing to work with Boards across the state to identify steps and strategies that can help ensure that they are able to meet the language needs of voters this election cycle.

The agreement with the Schenectady County Board of Elections ensures that voters will have access to translated election-related materials, including registration forms, absentee ballot applications, affidavit applications, public notices, polling place reassignment letters and the Election Day ballot itself. The Schenectady County Board of Elections has also agreed to translate information presented on its website, ensure that sufficient numbers of Spanish-speaking poll workers are present in polling places, and enhance training for all election inspectors regarding the requirements for providing language assistance on Election Day, among other things.

Schenectady County Board of Elections Commissioner Brian Quail said, **"Translating ballots and providing interpreters on Election Day are key steps to ensuring that every American has equal access to the political process.** With relative ease, we have worked with the Attorney General's Office to develop and implement an effective language access program that will operate to the benefit of voters in Schenectady County."

(continued . . .)

OLA QUARTERLY

**OFFICIAL NEWSLETTER OF THE
OFFICE OF LANGUAGE ACCESS
STATE OF HAWAII**

‘O KA ‘ŌLELO KE OLA - LANGUAGE IS LIFE



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NEWS FROM ALL OVER (continued)

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Schenectady County Board of Elections Commissioner Art Brassard said, "The Schenectady Board of Elections is committed to ensuring that all members of our community have equal access to the ballot box. We appreciate the partnership that we have formed with the Attorney General's office to continue to fully serve the residents of Schenectady County."

Juan Cartagena, President and General Counsel of LatinoJustice PRLDEF said, "Boards of Elections must meet their obligations to provide effective assistance to minority language communities and voters who are not fully proficient in English. Compliance with the Voting Rights Act is necessary to ensure access to the ballot box for all voters across our state."

Margaret Fung, Executive Director of the Asian American Legal Defense and Education Fund said, "Language assistance is necessary to help ensure that voters are able to cast a meaningful ballot on Election Day. Without it, the fundamental right to vote could be rendered meaningless for otherwise eligible voters in New York State."

This initiative is being handled by Volunteer Assistant Attorney General Monica Iyer, under the supervision of Civil Rights Bureau Chief Kristen Clarke and Executive Deputy Attorney General for Social Justice Janet Sabel. The Civil Rights Bureau of the Attorney General's Office is committed to protecting the voting rights of all New Yorkers. If you believe that you have experienced voting discrimination or encounter a language barrier at the polls on Election Day, contact the Attorney General's Office at (212) 416-8250, civil.rights@ag.ny.gov or visit <http://www.ag.ny.gov/>.

HAWAII GOVERNMENT BEST PRACTICES for TRANSLATION OF VITAL DOCUMENTS (continued from page 4)

Contracting for Translation

As mentioned previously, it should be included in the bid for the English document. For documents already printed and to provide just the translation, putting out an RFP would be more cost effective. The Washington State system has been in place for 8 years. Contact OLA for Washington State's sample RFP as a roadmap.

Other Issues

The use of plain English will assist in providing what President John F. Kennedy referred to as "simple justice" and documents that people can understand. Abandon legalese. Be a Hemingway not a Faulkner. Read [A Plain English Handbook](#) 77 pages (<http://www.sec.gov/pdf/handbook.pdf>).

Make a translation plan. Start small with common, frequently used vital documents. Plan to add documents and languages each period.

DATES TO REMEMBER

October 17 Language Access Advisory Council Meeting, 9:30-11:00 a.m., DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813

November 6. General Elections. GO OUT AND VOTE!

November 7. Office of Language Access Retreat, 8:00 a.m.-5:00 p.m., Hawaii State Capitol, 415 South Beretania Street, Conference Rm 325 Honolulu, HI 96813

November 16 Law Forum. William S. Richardson School of Law, 2515 Dole Street, Honolulu, HI 96822. Time and room TBA.

November 28 State Language Access Coordinators Meeting, 10:00-12:00 noon, DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813

December 12. Language Access Advisory Council Meeting, 9:30-11:00 a.m., DLIR Director's Conference Rm 320, 830 Punchbowl St. Honolulu, HI 96813