



OFFICE OF LANGUAGE ACCESS

Annual Report to the Governor and State Legislature 2010

**Office of Language Access
Department of Labor and Industrial Relations
830 Punchbowl Street, Suite 322
Honolulu, HI 96813**

TABLE OF CONTENTS

	Page
I. Executive Summary	1
II. Introduction	2
III. The Office of Language Access	2
IV. The Language Access Advisory Council	3
V. Goals and Objectives	3
VI. Accomplishments	4
A. Public Awareness, Education and Outreach	4
B. Technical Assistance and Training	5
C. Compliance	5
D. Language Access Services Development	6
E. Complaints Resolution	6
F. Legislative Initiatives	7
VII. Issues and Challenges	7
VIII. Recommendations	8

I. EXECUTIVE SUMMARY

This report covers the activities and accomplishments of the Office of Language Access (OLA) for the period from December 2009 to November 2010.

The OLA is in its fourth year of operations. During the year, OLA faced challenges due to the budgetary crisis in the state. It lost all its staff except its executive director. Its operations suffered due to funding freezes. Nevertheless, with limited clerical and IT support from the Director's office and student interns, as well as assistance from the Language Access Advisory Council, it proceeded to undertake modest activities in pursuance of its identified goals.

To promote public awareness of and outreach to the community on language access, the OLA continued to participate in community events, sponsored the Third Annual Hawai'i Conference on Language Access on August 26, 2010, published its quarterly electronic newsletter, and continued to update its website.

The OLA provided technical assistance to state and state-funded agencies by meeting with state language access coordinators; making various presentations, sponsoring trainings on the neighbor islands on working with interpreters and the role of bilingual staff, and providing updates on LEP demographics – all on a limited basis.

In terms of compliance, the OLA conducted annual monitoring visits to 7 out of 8 agencies not receiving federal funds in late 2009. The statutory deadline for the submission of revised language access plans by agencies not receiving federal funds was July 1, 2010, and only a couple of agencies have so far submitted. In addition, the OLA continued to require agencies to submit language access reports on a semi-annual basis but, so far, only a few of the agencies had been complying.

Since the last report, the OLA continued to receive calls and visits during the year, however, most were requests for interpreters (including sign language) or translators, as well as requests for information. Other calls were informal complaints about housing and traffic violations.

The OLA's executive director successfully worked with the legislature to restore two of its staff. Unfortunately, money was not released for the two positions.

The OLA held its 2nd Retreat to look at the agency's situation and to recommend solutions. Issues and challenges that were identified include the need for public awareness and outreach, training, compliance, limited resources, and the future of the office. To address these issues, the OLA is recommending the following: staffing support by initially filling the two staff positions that were restored and funded by the 2010 Legislature, the adoption of the recommendations from the 2nd OLA Retreat, the holding of language access month activities annually, the continued provision of training and technical assistance to state and state-funded agencies, the establishment and implementation of a student internship program, and continued collaboration with other public and private agencies, among others.

II. INTRODUCTION

The Office of Language Access (OLA) is in its fourth year of operations. The office is an administratively attached agency within the Department of Labor and Industrial Relations.

Under the Language Access Law, the Legislature envisioned providing equal access to Hawai'i's government and sought to affirmatively address the language access needs of limited English proficient (LEP) persons by requiring State agencies and covered entities (i.e. organizations receiving state funds to provide services to the public) to provide language services to LEP persons. Specifically, the law contemplates that, under certain circumstances, equal access to state services, programs and activities will be provided through oral and written language services to LEP persons to ensure "meaningful access" to state services or state-funded programs.

A. Report Requirement

The law requires the OLA to submit an annual report to the Governor and Legislature twenty (20) days prior to the opening of the legislative session. The report shall detail "compliance, complaints and resolutions, recommendations to enhance compliance, and statutory or administrative changes to further the purposes" of the language access law.

B. Organization of the Report

This report covers the activities and accomplishments of the OLA for the period December 2009 to November 2010.

III. THE OFFICE OF LANGUAGE ACCESS

A. Purpose and Function

The OLA is mandated to provide oversight, central coordination, and technical assistance to state agencies and covered entities in their implementation of language access requirements and in the provision of language services under the law, HRS §§ 371-31 to -37.

B. Budget and Staffing

The office had originally six (6) positions: the Executive Director, a Senior Legal Analyst, two Research Analysts, a Legal Clerk, and a Clerk Typist. The legal clerk position was vacated in 2008 and has not been filled. In addition, as a result of the RIF process, all remaining staff except the Executive Director were laid off effective November 20, 2009.

During the 2010 Legislative Session, two staff positions (senior legal analyst and clerk) were restored in the budget, bringing the OLA budget to \$312,228 (\$163,992 in personal services and \$148,236 in other current expenses). Unfortunately, funds for the two positions were not released.

The Office continued performing its most basic functions through clerical assistance from the Office of the Director and the use of student interns. A total of eight student interns (three from the UH Department of Political Science and five from the Ilokano Program of the UH School of Indo-Pacific Languages) provided some clerical and research assistance ranging from 15 to 50 hours during the period January to July 2010. In addition, two student hires under the 2010 Summer Youth Employment Program provided help for a month.

IV. THE LANGUAGE ACCESS ADVISORY COUNCIL

A. Membership

The terms of two members expired during the year. Dr. Tin Myaing Thein was reappointed and confirmed by the Senate. Due to pressing job demands, Canisius Filibert decided not to be renewed. In his place, Edelene Uriarte was appointed and confirmed by the Senate.

Dominic Inocelda and Gerald Ohta continued to serve as Advisory Council Chair and Vice Chair, respectively.

B. Function

The Council serves in an advisory capacity to the OLA's Executive Director by providing input on implementation and compliance; the quality of oral and written language services provided; the adequacy of a state agency's or covered entity's dissemination and training of its employees likely to have contact with LEP persons; policies and procedures for language services; competency in working effectively with in-person and telephone interpreters; and understanding the dynamics of interpretation between clients, providers, and interpreters.

V. GOALS AND OBJECTIVES

The OLA's vision is "Language Access for All." Toward that end, the OLA's mission is to promote equal access to and full participation in government services, programs and activities for LEP persons by providing oversight, coordination and assistance to state and state-funded agencies. In seeking to fulfill its mission, the OLA has established the following goals and strategies:

Goal 1 To promote public awareness and ensure that the LEP population is informed of and educated about their rights.

Strategies:

1. Establish and nurture working relationships with partners to develop awareness about language access.
2. Establish and hold a Language Access Month celebration in August of each year.
3. Conduct outreach to LEP communities.
4. Develop multilingual materials and website.
5. Undertake mass media campaigns.

Goal 2 To ensure that all state agencies and covered entities are in compliance with the requirements of the language access law.

Strategies:

1. Develop guidelines and provide training and technical assistance to state agencies and covered entities.
2. Establish a data collection and reporting system for state agencies.
3. Conduct a monitoring process and implement a compliance rating system for state agencies.

Goal 3 To assist in the development of an adequate pool of trained and competent language service providers.

Strategies:

1. Conduct a language access needs, resource, and cost analysis in the State of Hawai'i.
2. Develop a directory of language service providers in the State of Hawai'i.
3. Facilitate training programs for language service providers.
4. Develop statewide standards for interpretation and translation.

Goal 4 To develop OLA staff's expertise and resources.

Strategies:

1. Seek alternative sources of additional funding through federal grants and monies to further the OLA's mission.
2. Provide staff training and development.
3. Develop a resource library.
4. Interface and network with language access practitioners nationwide.

Goal 5 To ensure the timely resolution of complaints about language access.

- Strategies:**
1. Develop tools, processes and procedures for handling complaints.
 2. Provide education and training to agencies on the complaints process.
 3. Conduct outreach to LEP communities on the complaints process.
 4. Develop responsive methods of resolving conflicts.

Goal 6 To provide statewide leadership in the area of language access.

- Strategies:**
1. Provide models and educate agencies about best practices.
 2. Serve as a clearinghouse for information and resources on language access.
 3. Cultivate, maintain and strengthen alliances, partnerships and collaborations.
 4. Propose and support needed legislation.
 5. Provide leadership in technological solutions to language access problems.

The OLA's work on achieving these goals and objectives is discussed in the following section.

VI. ACCOMPLISHMENTS

A. Public Awareness, Education and Outreach

The OLA is aware of the need for visibility and community education on language access. During the past year, it continued to participate in community meetings, held a statewide language access conference, published four issues of its quarterly newsletter, utilized Olelo TV, and maintained and updated its website (www.hawaii.gov/labor/ola) to provide information about language access and the office's activities to the public:

- *Community Meetings.* The OLA Executive Director, whenever possible, continued to attend and provide updates on OLA activities and language access issues during the monthly meetings of the Interagency Council on Immigrant Services.
- *Language Access Conference.* On August 26, 2010, the OLA hosted the third Annual Hawai'i Statewide Conference on Language Access at the East-West Center Jefferson Imin International Conference Center in Honolulu. The one day event focused on emergency preparedness and Hawai'i's LEP communities. Almost 200 individuals from all over Hawai'i attended. The keynote speakers were Michael Kruley, Regional Manager of the Office for Civil Rights, Department of Health and Human Services, and Edward Teixeira, Vice Director of Hawaii State Civil Defense. Other speakers came from OLA, government agencies, non-profits, and the media.
- *Newsletter.* The office continued to publish and distribute its electronic quarterly newsletter (The OLA Quarterly), which came out with its eleventh issue in October 2010.
- *Olelo TV.* The office had its conference proceedings taped and to be broadcasted by Olelo TV in November and December 2010.
- *Website Update.* The OLA website was continually updated as OLA activities are undertaken and as new developments and information on language access become available.

B. Technical Assistance and Training

Due to lack of staffing, the OLA was able to provide only limited technical assistance to state and state-funded agencies to assist them in implementing their language access plans, including the following:

- The *bimonthly meetings* with state language access coordinators to discuss plan implementation problems. It was decided to make this into *quarterly meetings* due to lack of staff support.
- *Presentations.* The executive director made presentations at the Cross-Cultural Healthcare Conference sponsored by the UH School of Medicine in February 2010 at the Hyatt Regency in Honolulu, the 3rd Pacific Preparedness Conference sponsored by Pacific EMPRINTS in March 2010 at the Japanese Cultural Center in Honolulu, and the 3rd Annual Hawaii Conference on Language Access in August 2010 at the East-West Center in Honolulu. The executive director was also invited to the Language Access Meeting sponsored by the U.S. Department of Justice and the Migration Policy Institute in November 2010 in Washington D.C. but was unable to go due to budget considerations.
- *Trainings.* In addition, as part of OLA's role in providing technical assistance to state and covered entities, four training workshops were provided by OLA on the neighbor islands, as follows: November 12, 2010 in Maui, November 22, 2010 in Kauai, December 1, 2010 in Hilo and December 2, 2010 in Kona. The trainings were for State and county employees as well as non-profit staff – front line workers, supervisors, managers, language access coordinators, and bilingual staff. The trainings were conducted by Dr. Suzanne Zeng of the UH Center for Interpretation and Translation Studies (CITS) and L. Dew Kaneshiro, a private consultant. The morning sessions, "Serving LEP Individuals Through Interpreters", addressed topics such as: *The Do's and Don't's of Working with Interpreters, How You Can Tell If Your Client Needs an Interpreter, and What Makes an Interpreter Competent?* The afternoon sessions, "The Role of Bilingual Staff", covered relevant material including: *Cultural Competency, Ethics of Interpretation, How to Self-Assess Your Own Language Abilities, and The Proper Role of an Interpreter.* The workshops were designed to address the growing requests for education and training as agencies implement their language access plans and to raise awareness on how to better serve limited English proficient customers.
- *LEP Statistics.* OLA was able to update its *Hawaii LEP Demographic and Socio-Economic Profile* based on the 2006-2008 American Community Survey data from the U.S. Census and provided the same to state agencies. OLA has also come out with a mapping of the top 10 LEP languages in each of Oahu's seven geographic PUMAs (Public Use Microdata Areas).

C. Compliance

1. Monitoring

In November 2009, monitoring visits were scheduled for the eight non-federally funded state agencies. These agencies are: Office of the Governor, Office of the Lieutenant Governor, the State House of Representatives, the State Senate, Department of Budget and Finance, Department of Commerce and Consumer Affairs, Department of Human Resource Development, and Department of Taxation. Of the eight, only seven participated; the Department of Taxation did not. Results of the monitoring visits were discussed with the departments concerned.

2. Submission of Revised Language Access Plans

The eight state agencies not receiving federal funds who submitted plans in July 2008 are required by law to review and resubmit their plans by July 1, 2010. The OLA worked with these agencies to assess and make appropriate modifications to their plans, as necessary. As of this writing, only two of the eight agencies have submitted their revised language access plans.

Meanwhile, the following departments receiving federal funds who were supposed to submit revised plans on July 1, 2009, have not submitted their revised plans despite several reminders: Department of Business, Economic Development and Tourism, Department of Health, Department of Defense, Department of Land and Natural Resources, and the Department of Hawaiian Homelands.

Due to staffing problems, OLA has not been able to actively follow up with these departments.

3. Data Reporting

To assist the agencies in identifying their population and in tracking language access services, the OLA developed a reporting tool to be used by agencies in gathering data and submitting the same to the OLA on a quarterly basis. As a result of staffing shortage, however, it was decided that reports will be submitted on a semi-annual annual basis. The reporting period will be July to December (due March 1), and January to June (due August 31). The new reporting schedule took effect beginning with the July to December 2009 reporting period.

As of this writing, only four agencies have submitted reports to OLA for the July 2009 to June 2010 period. These are the Judiciary, the Department of Human Services, the Department of Labor and Industrial Relations, and the Department of Accounting and General Services. As a result, and due to lack of staff, the OLA is unable to come up with a statistical report on the number of LEP served and the language access services provided by the state agencies.

D. Language Service Development

Through the initiative of the State Procurement Office, and with the support of the OLA, the State of Hawaii decided to join the Western States Contracting Alliance (WSCA) Telephone Based Interpreter Services contract (SPO Price List Contract No. 10-10) effective June 9, 2010 to February 15, 2011. Hawaii is a member of WSCA, a multi-state contracting consortium of state governments, including local governments, which seeks to achieve price discounts by combining the requirements of multi-state governmental agencies, and cost effective and efficient acquisition of quality products and services. The State of Washington is the current lead agency and contract administrator for the WSCA Telephone Based Interpreter Services Contract. A request for competitive sealed proposals was issued on behalf of WSCA and contracts were awarded to three qualified contractors. The State of Hawaii signed Participating Addenda with two contractors: Corporate Translation Services, Inc. dba CTS LanguageLink, which is based in Vancouver, Washington, and Pacific Interpreters, Inc. which is based in Portland, Oregon. The Telephone Based Interpreter Services contract provides 365-days a year, 7-days a week, 24-hours a day Telephone Based Interpreter Services for 85 languages/dialects. Services are provided on an "as needed" basis for Limited English Proficiency (LEP) clients needing immediate interpreter assistance. The contract does not include in-person interpreting, sign language interpreting or document translation services.

E. Complaints Resolution

During this reporting year, the OLA received much fewer calls from LEP individuals and agencies compared to last year. The decrease in calls may be attributed to the lack of staffing and also to the public education and outreach conducted the previous year which informed people about what the office does and where to call. As before, most of the calls were inquiries or requests for interpreters (including sign language) or translators as well as requests for information. There were several calls from clients of the District Courts (for traffic violations) who were directed by the agency to OLA for their interpreter needs. Obviously, these front line staff are not aware of their language access plans and what the process is in providing interpreters to their clients. Calls emanating from state agencies were referred to their respective language access coordinators. Individuals and nonprofit agencies requesting for interpreters or translators were referred to the directory of language services in Hawaii. Calls for information were either answered by the OLA or directed to the office or agency concerned. There were a couple of requests from law offices for information on the Micronesian population in relation to a complaint filed with the Department of Human Services.

F. Legislative Initiatives

During the Regular Session of 2010, OLA's executive director successfully worked with legislators to restore two of OLA's staff positions that were abolished due to the RIF.

VIII. ISSUES AND CHALLENGES

A. Public Awareness and Outreach

Based on the results of monitoring visits conducted late last year, there continues to be a need to inform and educate state agencies and the public about the language access law and the importance of language access in Hawai'i. Also, based on discussions with community members and evidenced by the minimal numbers of complaints that the OLA receives, it would appear that many members of the community, particularly those who are limited English proficient, are either not aware of their rights or are reluctant to file complaints in cases where they are not provided language services. Consequently, there is a need for more outreach and education to the community.

The holding of monitoring visits, and the conduct of outreach activities, however, are limited by the absence of staff. Thus, the restoration of all staff positions is necessary if this function is to be performed.

B. Training

The need for further statewide training of front line and bilingual staff – on working with interpreters, the role of bilingual staff in interpretation, cultural competency, language competency, etc. – remain. This need has been voiced out in meetings with agencies as well as in conferences. It is especially needed for bilingual staff upon whom agencies are relying more and more given the budgetary crunch. Agency staff also needs training on their respective language access plans, and there is a need to continually train administrators and agency staff about the language access law and its requirements. In addition, training of language service providers – interpreters and translators – is needed, particularly in the medical area where there is a dearth of interpreters and translators.

For most of 2010, no trainings were conducted as a result of the budget crisis. It was only recently, in November and December 2010, that approval of trainings on the neighbor islands was granted. Additional training statewide needs to be done in the upcoming year.

C. Compliance

The results of the monitoring visits indicate that there remains much opportunity for state agencies to meet the compliance requirements of Hawaii's language access law. Even the basic requirements of posting multilingual notices, the identification and translation of vital documents, the training of staff on their language access plans, the collection of data and identification of their LEP population, and the training of their bilingual staff are not being done. Several agencies, all falling within the Executive Branch, have not submitted their revised language access plans, and at least two have refused to cooperate with the OLA regarding the implementation and evaluation of their language access plan. The absence of consequences for non-compliance, as well as the fact that the OLA falls under the jurisdiction of a department within the Executive Branch, make it difficult for OLA to pursue non-compliance issues.

D. Resources

The passage of the Language Access Law has created a demand for language services, but there remains a shortage of available and competent language service providers statewide. In addition, the lack of funding continues to be a problem for state agencies. This is heightened by the current economic slowdown and reductions in staff and budgets. Finally, the language service delivery system in Hawai'i continues to be very limited, fragmented and uncoordinated.

E. The Status of the OLA

The laying off of all the OLA staff (except the Executive Director), the abolition of staff positions, and the reduction of its operating funds due to budget restrictions, constitute the major challenge to the operations and the very existence of the OLA. Although ad hoc steps are being taken to keep the office going, these may not be enough to ensure the continued and effective performance of the OLA's basic and statutory functions.

Faced with budgetary and staffing issues, and the reality of a new administration come 2011, the OLA conducted its second retreat on September 15, 2010. The purpose of the retreat was to revisit the language access law and the administrative structure and functions of OLA, and to look at ways by which the language access law can be improved and how the OLA can be made more effective. The retreat was attended by members of the Language Access Advisory Council and some community members.

Among the proposals made from the retreat were the following:

- Make OLA an autonomous and independent body.
- Strengthen OLA's technical assistance function; establish a centralized language access resource and information clearinghouse.
- Strengthen OLA's oversight function by expanding its jurisdiction to include the county agencies.
- Strengthen compliance by giving OLA and its Executive Director more enforcement authority and by instituting penalties/consequences for non-compliance.
- Ensure OLA staffing by making staff positions statutory.
- Convert the Language Access Advisory Council into a commission with appointment and removal authority over OLA's Executive Director.
- Establish a Language Access Special Fund.

It was agreed that legislation will be proposed that will include all these recommendations.

IX. RECOMMENDATIONS

To address the issues mentioned above, the following are being proposed:

1. Provide staffing support by initially filling the two staff positions restored and funded by the 2010 Legislature.
2. Adopt the recommendations from OLA's 2nd Retreat.
3. Hold language access month activities on an annual basis, including an annual language access conference, for the purpose of public education.
4. Continue to provide statewide training and technical assistance to state and state-funded agencies.
5. Establish and implement a student internship program.
6. Maintain and expand collaboration with public and private agencies.

During the past year, the OLA faced difficulties and challenges in the pursuit of its various goals and objectives. As it faces the future, major challenges remain for the office, the most important of which is the loss of all its staff due to budgetary constraints. The provision of language access remains a major task for Hawaii's multilingual society and there is a need for the OLA to get all the support it needs.