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March 30, 2016

TO: Robin Runge  
Senior Policy Advisor, Civil Rights Center, U.S. DOL

FROM: Linda Chu Takayama  
Director, Department of Labor and Industrial Relations

SUBJECT: SIX MONTH PROGRESS REPORT PURSUANT TO CONCILIATION  
AGREEMENT OF APRIL 4, 2014

Pursuant to the April 4, 2014 Conciliation Agreement entered into between the United States Department of Labor's Civil Rights Center and the Department of Labor and Industrial Relations (DLIR), and on behalf of DLIR, I am submitting this six months progress report that covers the period of April 14, 2015 to October 14, 2015.

This report updates DLIR's efforts to comply with the Conciliation Agreement and includes the department's revised Limited English Proficiency (LEP) Plan since the DLIR's last report, which was submitted to the Civil Rights Center on April 14, 2015.

If you should have any questions regarding this report, please contact William Kunstman, Assistant to the Director at (808) 586-8845 or via email at [william.g.kunstman@hawaii.gov](mailto:william.g.kunstman@hawaii.gov).

Enclosures

# LIMITED ENGLISH PROFICIENT (LEP) PLAN: SIX-MONTH PROGRESS REPORT

## CONCILIATION AGREEMENT SIX-MONTH PROGRESS REPORT

(Reporting Period of April 14 to October 14, 2015)

### **1. The actions DLIR has taken or intends to take to comply with the agreement and execute the LEP Plan:**

#### Any further policies or procedures drafted or issued for these purposes:

- DLIR is adding to its LEP plan requirement that administrators of each division conduct language access training to all staff on a yearly basis. The department's new employee packet and the personnel office's new employee orientation include a copy of and discussion of the LEP plan.
- The Hawaii Civil Rights Commission (HCRC) updated its voluntary mediation program procedures, notifying all community mediation centers that receive client referrals from HCRC to provide the language access services required for effective communication. The HCRC confirmed that when mediation centers are unable to pay for language access services (e.g. an interpreter or translation of a document) to parties in cases referred by the HCRC, the HCRC will pay for the cost of the language access service, with prior approval.
- DLIR updated its bi-lingual volunteer staff list for 2015-2016 (Appendix A).
- For those divisions or agencies that utilize interpreters at hearings, a DLIR attached agency (Labor and Industrial Relations Appeals Board) has drafted instructions for interpreters to give to LEP clients to facilitate the use of interpreters at these types of quasi-judicial proceedings. LIRAB circulated the instructions to the appropriate DLIR programs (Appendix B).
- Distributed to DLIR divisions and attached agencies the "Final Report and Protocol for Obtaining Translations of Vital Documents" prepared by Dr. Suzanne Zeng as a resource to develop translation protocols (Appendix C).

#### Any notices, forms, and signs drafted or issued related to language access:

- An updated record keeping form that DLIR staff has been asked to complete after assisting LEP persons was distributed to all DLIR divisions in March 2015. However, the Language Access Coordinator learned that division and agency staff prefer using their pre-existing, own user logs, which is compiled into a language access report twice a year (Appendix D). The tool collects information that DLIR is required to compile and submit to the State Office of Language Access.

- HCRC created intake forms for community mediation centers that receive client referrals from HCRC that identify clients who require language assistance.
- The Language Access Coordinator convened a LEP working group to translate "Babel" Notices into the department's ten most requested languages. These multi-language notices inform LEP customers of the availability of language assistance at no cost to them. The Language Access Coordinator distributed the notices to all programs of DLIR for their use and/or inclusion in written, electronic materials and with vital documents (Appendix E). DLIR's programs tailor the forms with their own telephone contact information, which connect to a live body when called.
- The Babel notices will appear as button links on every DLIR program's homepage to help ensure web users have the opportunity to access activities and services with the assistance of free language services.

Any further policies or procedures drafted or issued for these purposes.

- The Language Access Coordinator conducted a survey of DLIR's programs to assess and evaluate LEP training needs and compliance with LEP policies and procedures. The survey feedback led to the creation and production of a new LEP training video geared to the needs of DLIR employees who desired more practical tips and solutions and examples of role-playing in training materials.
- The LEP training video will be available on DVD and the DLIR's intranet for employees on all islands to access. The video is for use in annual refresher and new employee trainings.
- DLIR's LEP working group is working with a contractor to make continuous website improvements to address access for LEP persons. The improvements will include, but are not limited to, the posting of the translated Babel notices on the website and contact information for LEP customers.
- The DLIR's new employee packet and orientation now include language access materials.
- DLIR renewed its contract with CTS LanguageLink to provide telephone interpretation services to its divisions. This contract is part of the NASPO ValuePoint contract, a multi-state contracting consortium of state governments, which the State of Hawaii has signed to provide language access services.

- The Employment Security Appeals Referee's Office is continuing its efforts to translate hearing instructions and appeal rights in Spanish and Ilocano. The agency uses this vital document in unemployment appeal proceedings. The Referee is at the stage of requesting quotes for this translation project, having developed a scope of work.
- The Hawaii Civil Rights Commission (HCRC) posted four videos on its webpage, pertaining to housing discrimination, employment discrimination, language access (right to an interpreter), and what to do if you have been discriminated against, in English, Chuukese, Tagalog, and Ilocano. HCRC recently completed work with a vendor to add a fifth voice-over of all of four videos in Marshallese and to caption the non-English versions with English subtitles, so the agency can use them in targeted outreach for mixed audiences without having to play each video twice. The four HCRC videos are posted in English, Chuukese, Tagalog, Ilocano, and Marshallese, with open captioning in English. <http://labor.hawaii.gov/hcrc/>
- The Workforce Development Division has updated its electronic online job board that includes tabs in multiple languages to direct LEP clients to the translated Babel notices for language assistance. <https://www.hirenethawaii.com/vosnet/Default.aspx>
- DLIR joined EMPLEO, an alliance of government and non-profit organizations that provide outreach to the Spanish speaking community in Hawaii relating to workplace and labor issues.
- DLIR submitted a budget request for \$25,000, which included \$15,000 for website accessibility training and \$10,000 for additional website improvements to address LEP and website accessibility. The request has received initial approval by the State Department of Budget and Finance for inclusion in the executive branch's budget, which will be submitted to the legislature for review and approval in 2016 (Appendix F).

**2. Data regarding request for language services by DLIR agency or office, location, language, and the form and mode of language assistance requested, and how those requests were handled pursuant to the LEP Plan, including data that indicates instances in which language assistance is not provided and the reason(s) therefor.**

Please refer to Appendix D, which represents DLIR's LEP data for language services by division, location, language, and LEP spending for the reporting period of January 2015 to June 2015.

- A comparison of the LEP data for the Jan-June 2015 period with the LEP data for the July-Dec 2014 shows that the top five languages encountered by DLIR remained consistent. The top five encountered languages at DLIR were Cantonese, Ilokano, Mandarin, Spanish, and Tagalog.
- The data shows that while the number of LEP encounters decreased slightly from 574 in the second half of 2014 to 500 in the first half of 2015, the amount of spending for LEP services increased in the first half of 2015 from \$7,928.37 to \$8,645.43, by about \$717.06.
- DLIR is not aware of any instances in which language assistance was not provided during this reporting period.

**3. Data on the application of the LEP Plan, including the number of interpreters and bilingual staff used.**

- Appendix D is DLIR's LEP report for January 2015 to June 2015, detailing the LEP encounters broken down by divisions and offices, type of event, nature of LEP service provided, the number of contracted interpreters used, and the number of bilingual staff used.

**4. Information regarding problems encountered in implementing the LEP Plan, including feedback gathered customers, staff, and the general public.**

- DLIR has not received any feedback or complaints for this reporting period.

**5. The steps taken to notify the customers, customer representatives, community groups, and public of the policies or procedures to implement the LEP Plan and any responses thereto.**

- As noted above, HCRC notifies community mediation centers of its policy to provide language access to clients referred to HCRC
- The Babel notices, translated into DLIR's ten most requested languages, has been distributed to all divisions for their use or inclusion with vital documents to notify their customers of available language assistance at no cost to them. DLIR is working to post the notices on the website. At least one division has posted the notice on its electronic online job board.
- To enhance implementation of its LEP Plan, DLIR has requested funding to make website improvements for LEP for online LEP customers and their representatives

**6. The trainings provided to managers, hearing officials, staff, and others regarding the LEP Plan and policies and any related language access matters.**

**including the content of the trainings, training materials, dates held, trainers names and biographies, and names and positions of attendees.**

The following DLIR employees attended the 8th Annual Conference on Language Access, which was held on August 14, 2015:

- William Hoshijo, Executive Director, Hawaii Civil Rights Commission
- Robbie Adams, Planner, Director's Office

Language Access Trainers:

- Josie Howard, Executive Director, We Are Oceania
- Neal Palafox, M.D./M.P.H., Professor of the Department of Family Medicine and Community Health
- Joakim "Jojo" Peter, doctoral candidate College of Education, University of Hawaii at Manoa, COFA Community Advocacy Network, Micronesian Health Advisory Coalition, We Are Oceania, Micronesian Advocacy Network, Micronesian United, FAS Empowerment, Nations of Micronesia
- Barbara Tom, RN/PHN, Chair, Nations of Micronesia Committee

See Appendix G for agenda & flyer.