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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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IN REPLY, REFER TO:
OCS 21.1067

March 19, 2021

To: The Honorable Mark M. Nakashima, Chair,
The Honorable Scot Z. Matayoshi, Vice Chair, and
Members of the House Committee on Judiciary and Hawaiian Affairs

Date: Monday, March 22, 2021

Time: 2:15 p.m.

Place: Room 325 and Videoconference

From: Jovanie Domingo Dela Cruz, Executive Director
Office of Community Services – OCS

Re: **H.C.R. 169 and H.R. 143 – Requesting the Department of Labor and Industrial Relations to Convene a Working Group to Improve Access to Government Services for Immigrants and to Increase Immigrant Opportunities to Make Civic and Economic Contributions to the Community**

I. OVERVIEW OF THE PROPOSED RESOLUTIONS

The Office of Community Services (OCS) was established by State law, Act 305 in 1985. This law is now codified as HRS Chapter 371K. One of the key mandates of this law is that OCS provide for services to immigrants, as well as other underserved and low-income communities in the State. OCS is an attached agency within the Department of Labor and Industrial Relations (DLIR).

The proposed Resolutions, HCR 169 and HR 143, which are substantively identical, would request that DLIR convene a working group, composed of representatives of the Governor, the DLIR Director, the OCS Executive Director, the Office of Language Access Executive Director, and, by invitation, representatives of the Hawaii Coalition for Immigrant Rights, the Inter-Agency Council for Immigrant Services, and any other government entity or community organization that the working group deems relevant or appropriate. The working group would meet and submit to the Legislature a report of its findings and proposed legislation at least 20 days before the convening of the Regular Session of 2022.

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The Honorable Scot Z. Matayoshi, Vice Chair, and
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II. **CURRENT LAW**

Under current legislation, the Office of Community Services has proudly and enthusiastically worked to support immigrant communities within the State of Hawaii, but OCS has always been constrained by the limitations of the budget that OCS receives from the Legislature and the constraints of the funding that OCS receives from various federal programs.

Fundamentally, OCS receives funding from the Legislature each year for employment readiness services for people who have had great difficulty finding and keeping jobs. This has been a remarkably successful program that does a lot more than match people up with employers: it teaches people how to search for employment, how to present themselves in the best way possible in interviews, how to stay employed, it provides an ESL course for immigrants, vocational training opportunities, and other needed support to attain economic self-sufficiency. This program has been equally open to low income local residents and to immigrants, and OCS has had a large number of immigrants “graduate” from the program into long-term jobs. These employment readiness services are currently administered by local non-profit service providers – Parents and Children Together – PACT; Goodwill Industries of Hawaii; Child and Family Service – CFS; Maui Economic Opportunity; and Honolulu Community Action Program.

Currently, many local resident immigrants are served indirectly by OCS partners, such as the Community Action Agencies that receive federal funding under the Community Services Block Grant – CSBG – Program that OCS administers. These CAAs are familiar local agencies – Honolulu Community Action Program – HCAP, Kauai Economic Opportunity – KEO, Maui Economic Opportunity – MEO, and Hawaii County Economic Opportunity Council – HCEOC.

Immigrant children are also being served by our CAAs, with OCS assistance, in programs such as Head Start, and through the federal programs that OCS administers for Legal Advocacy for Children. In addition, OCS serves refugees with its Refugee Resettlement program. However, with the continuous decline in the refugee placements in Hawaii, the federal funding level has decreased.

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Similarly, our major federal food service program – TEFAP – The Emergency Food Assistance Program – serves low-income persons throughout the State, and many of them are immigrants.

III. COMMENTS ON THE RESOLUTIONS

OCS **supports** the Resolutions. OCS believes that it would be very helpful to have a series of round-table discussions that a working group would provide to help refresh our thinking. It is a vital component toward the development of any effective programs to gather input from various sectors of our community, especially with the effects of COVID-19.

OCS greatly appreciates the support that it receives in the community and in the Legislature, and OCS will continue to do its best to continue to earn that support. With the current programs that OCS administers, OCS is fulfilling its legislative mandate to serve the immigrant community. Immigrants are part of the broader low-income community that these anti-poverty programs serve.

Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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March 21, 2021

To: The Honorable Mark M. Nakashima, Chair,
The Honorable Scot Z. Matayoshi, Vice Chair, and
Members of the House Committee on Judiciary and Hawaiian Affairs

Date: Monday, March 21, 2021
Time: 2:15 p.m.
Place: Via Videoconference

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.C.R. No. 169 WORKING GROUP TO IMPROVE ACCESS TO GOVERNMENT SERVICES FOR IMMIGRANTS AND INCREASE IMMIGRANT OPPORTUNITIES TO MAKE CIVIC AND ECONOMIC CONTRIBUTIONS TO THE COMMUNITY.

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

The department supports this measure that seeks to improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community. The DLIR notes that U.S. Department of Labor initially included the Bureaus of Immigration and Naturalization and the employment service directed seasonal farm workers to areas of labor shortage, establishing a Departmental tradition of aid to migrant farm workers. Hawaii's history is inextricably interlinked with immigration, especially with its early reliance on immigrant laborers from Asia and the Pacific in the sugar under the auspices of the Masters & Servants Act (SLH, 1850) and later the pineapple industry.

Over the years in successive waves of immigration, the sugar growers brought to Hawaii 46,000 Chinese, 180,000 Japanese, 126,000 Filipinos as well as Portuguese and Puerto Ricans, each one used generally to offset the bargaining power of its predecessor. Following the classic formula, the planters increased the labor supply as needed to decrease labor's demands.¹ Sugar and pineapple workers were paid by nationality to sow disunity and maintain the leverage of the Big Five over its labor force. Workers were able to organize through the formation of a multi-ethnic labor movement through the aid of the International Longshore and Warehouse Union (ILWU) and played a large role in the Democratic Revolution of 1954. Organized labor laid the foundation for political change and forever changed Hawaii politically, economically, and

socially.

Therefore, the DLIR supports this measure that seeks to support our contemporary immigrant workers in accessing government services and facilitate their civic and economic contributions to our community.

Thank you for the opportunity to provide testimony on this vital matter.

¹ <https://www.hawaii.edu/uhwo/clear/home/Lhistory.html>



March 19, 2021

Honorable Mark Nakashima, chairman
Honorable Scott Matayoshi, vice chairman
House Committee on Judiciary and Hawaiian Affairs

The House of Representatives
State Capitol
415 South Beretania St.
Honolulu, Hawai'i 96813

Re: HCR 169 REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONVENE A WORKING GROUP TO IMPROVE ACCESS TO GOVERNMENT SERVICES FOR IMMIGRANTS AND INCREASE IMMIGRANT OPPORTUNITIES TO MAKE CIVIC AND ECONOMIC CONTRIBUTIONS TO THE COMMUNITY.

Dear Chair Nakashima, Vice Chair Matayoshi and Committee Members:

Maui Economic Opportunity, Inc., (MEO), supports the resolution calling for the formation of a working group to assess and address government services and opportunities for immigrants in Hawaii.

As the resolution states, the immigrant population faces special obstacles, circumstances and needs that differ from other low income residents with whom they are lumped together for government services. For example, MEO's Enlace program, serving Maui County residents of Hispanic descent, provides much needed language help, which creates the entry point for school for their children, employment, government assistance, health care, and other needs and opportunities.

The change in power at the federal level makes this the perfect time to organize the working group. The current president and Congress seem more receptive to ideas for helping immigrants and probably would be less likely to interfere in efforts in Hawaii.

Hawaii has a strong tradition of accepting and integrating ethnic immigrant groups into the community. Let's convene the working group with the Department of Labor and Industrial Relations to continue this worthy tradition.

Thank you for the opportunity to offer testimony on HCR 169.

Sincerely,

Debbie Cabebe, SHRM-SCP, SPHR
Chief Executive Officer

The Promise of Community Action

Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other.





Medical-Legal Partnership for Children in Hawai'i

A Project of the William S. Richardson School of Law

2515 Dole Street, Honolulu, Hawai'i 96822

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Committee on Judiciary & Hawaiian Affairs

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: March 22, 2021

Re: HCR 169/HR 143 Requesting The Department Of Labor And Industrial Relations To Convene A Working Group To Improve Access To Government Services For Immigrants And Increase Immigrant Opportunities To Make Civic And Economic Contributions To The Community

Dear Committee Members,

The Medical-Legal Partnership (MLP) represents patients at a community health center with their legal needs. Most of our clients are from immigrant communities and have been disproportionately impacted by the coronavirus pandemic. We strongly support HCR 169/HR 143.

This working group is an important step in fixing shortcomings revealed during the COVID-19 pandemic. Through our work at the MLP, we have seen story after story of immigrant families unable to access critical government services, especially over the year last. We saw it particularly with the Department of Labor and Industrial Relations, as many LEP people could not access Unemployment Insurance (UI)—benefits which they have paid into and are entitled to receive—because of language access denials. These challenges are well documented, as immigrants, particularly Pacific Islanders, were unable to access UI due to language access, technology access, and even initial confusion about COFA eligibility.¹

Given these lessons, a working group to ensure meaningful access to government services and increase opportunities is necessary to ensure that Hawai'i state agencies function for all of its residents, including its large immigrant population.

Thank you for this opportunity to submit testimony supporting HCR 169/HR 143.

Dina Shek

Legal Director, Medical-Legal Partnership for Children in Hawai'i

¹ See, e.g., Anita Hofschneider, *Advocates: Lack of Interpreter Services at Unemployment Office is Illegal*, Civil Beat, July 7, 2020, at <https://www.civilbeat.org/2020/07/advocates-lack-of-interpreter-services-at-unemployment-office-is-illegal/>; Anita Hofschneider, *Hawaii Updates Unemployment Application to Include Pacific Migrants*, Civil Beat, April 14, 2020, at <https://www.civilbeat.org/2020/04/hawaii-updates-unemployment-application-to-include-pacific-migrants/>.



Testimony in support of HCR 169/HR143
Submitted by Hawai`i Friends of Civil Rights,
Co-chairs: Amy Agbayani and Pat McManaman

The text of HCR/HR 143 provides current information on the number of foreign-born persons (over 250,000), including 145,000 who are naturalized citizens; their participation in Hawaii's economy (40% of agricultural workers, 33% of tourism/hospitality workers and 23% of healthcare workers. The resolution also identified barriers many immigrants face (e.g. discrimination, cultural misunderstanding, language access to government information and services. Immigrants are our family, neighbors, co-workers, business owners and professionals. Recent immigrants and naturalized citizens need and deserve access to government services so they can fully participate and contribute to our community.

We thank the legislature for hearing this resolution and specially for establishing the Office of Community Service (OCS) in 1985 by consolidating "four anti-poverty agencies administering state and federal funds -- the Progressive Neighborhoods Program, Hawaii Office of Economic Opportunity, Refugee Resettlement Program, and State Immigrant Services Center." It should be noted that the State Immigrant Services Center was part of the Governor's office with significant funding and staffing to serve immigrants and refugees before the consolidation and establishment as an attached agency to the Department of Labor and Industrial Relations.

OCS Director and his team has done a very good job serving low-income families and communities by

administering millions of federal funds and grants-in-aid. Immigrants and refugees can also benefit from these services, but these programs do not address the needs of immigrants and refugees. Unfortunately, OCS funds for immigrant resource centers has not been available for years).

We support this resolution asking for recommendations from community and state agencies so OCS can meet its legislative mandate and mission to serve low-income individuals, immigrants and refugees. We are confident that the recommendations will "improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community."

Mahalo for hearing this resolution and respectfully urge you to pass it.

Amy Agbayani and Pat McManaman, co-chairs
Hawai'i Friends of Civil Service

HCR-169

Submitted on: 3/21/2021 12:56:58 PM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Ordonez	Ethnic Education Hawai`i	Support	No

Comments:

Testimony in support of HCR169/HR143

Submitted by Ethnic Education Hawai`i, Larry Ordonez President

Ethnic Education Hawai`i (EEH) is a non-profit organization founded in 1994. Our mission is to provide equal access to information in English and languages spoken in our community. We support successful participation and integration of our multi-ethnic and multilingual community in Hawai`i. We have projects to communicate and serve our large immigrant community.

EEH advocates for language access compliance with federal and state laws. EEH is committed to making communication accessible for all people in Hawai`i, including those who are limited English proficient. The Office of Community Service has a responsibility to provide leadership and service to thousands of immigrants. EEH support this resolution and supports OCS. EEH received grants from OCS for equipment supporting three ethnic language radio stations. It is important to have a state agency focus on immigrants, a vulnerable community that does not have equal ccess to information and government

We strongly support OCS, a small agency attached to DLIR that has a legislative mandate and mission to serve immigrants and refugees. These resolutions will provide recommendations to assure that OCS meets its mandate and its potential.

We respectfully urge the committee to pass this resolution. Thank the committee for hearing this resolution

Submitted by Larry Ordonez President Ethnic Education Hawai`i

HCR-169

Submitted on: 3/20/2021 10:10:27 AM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

Aloha JHA Committee,

I am writing in support of HCR169. As a public health professional working with foreign-born people and the son of refugees, I have witnessed firsthand the desire for our local immigrant communities to contribute to our economies and culture. In the devastating economic fallout of the ongoing COVID-19 pandemic, this resolution would identify new opportunities to enhance our workforce and civil society.

Thank you for your consideration of this testimony.

Thaddeus Pham (he/him)

HCR-169

Submitted on: 3/21/2021 6:44:40 PM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Bagasol	Individual	Support	No

Comments:

Chair Nakashima, Vice Char Matayoshi and members of the committee.

I am writing as a concerned citizen and supporter of the Hawaii Coalition for Immigrant Rights in support of this resolution to convene a working group to improve access to government services for immigrants and increase opportunities to make civic and economic contributions to the community. This working group is necessary to identify and provide specific recommendations and guidance to improve services to an otherwise underserved community. In short, I support this resolution as a matter of immigrant rights and since the Department of Labor and Industrial Relations (“DLIR”) is uniquely situated to establish this working group 1) because of the important services it administers, including Unemployment Insurance (UI) and 2) because the Office of Community Services (OCS) is an administrative-attached agency of DLIR whose statutorily established mission includes serving immigrants.

Thank you for the opportunity to provide testimony on HCR 169/HR 143.