A BILL FOR AN ACT

RELATING TO DISABLED PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§78- Employment first; disabled persons. (a) Employment first shall be a policy of the State and its several counties. State and county agencies shall ensure that employment first is effectively implemented in hiring and in all programs and services that they administer or fund, including programs and services that help disabled persons obtain employment. All state and county agencies shall coordinate efforts and collaborate to ensure that programs, policies, procedures, and funding support competitive employment in an integrated setting for disabled persons. All state and county agencies, whenever feasible, shall share data and information to track progress toward the full implementation of this section.

(b) Nothing in this section shall be construed to require any employer to give preference to hiring a disabled person.
(c) Nothing in this section shall be construed as eliminating any other appropriate supported employment service.

(d) As used in this section:

"Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which a disabled person is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by nondisabled persons.

"Employment first" means the full inclusion of disabled persons in the workplace and community through integrated employment as the first option for employment services for adults and children of working age who are disabled.

"Employment first" includes competitive employment in an integrated setting.

"Integrated setting" means an employment setting in which disabled persons interact with nondisabled persons, other than nondisabled persons who are providing services to those disabled persons, to the same extent that nondisabled persons interact with other persons in comparable positions."
SECTION 2. Section 346D-4, Hawaii Revised Statutes, is amended to read as follows:

"§346D-4 Provision of services. (a) Services that maximize the individual's independence shall be provided in the individual's home, the home of a responsible relative or other adult, or a residential alternative setting.

(b) The program shall provide the services in the most economic manner feasible [which] that is compatible with preserving quality of care through:

(1) Informal care providers, such as family members, friends, or neighbors who regularly provide specific services without remuneration and not as a part of any organized volunteer activity;

(2) Individual providers hired and directed by the waiver program individual to provide specific approved services;

(3) Contracts with agency providers, such as home care agencies and public or private health and social service organizations;

(4) Contracts with individual providers, such as counselors, nurses, therapists, and residential
alternative program operators who provide services for the waiver program; and

(5) Program personnel, such as social workers and nurses who are hired by the waiver program to provide specific services.

(c) The department of human services shall:

(1) Practice employment first principles, as described in section 78- , with respect to waiver program personnel; and

(2) Ensure that contracted agency providers that provide services for the waiver program follow employment first principles, as described in section 78- , in the hiring of their employees."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2019.

INTRODUCED BY: [Signature]
Report Title:
Public Service; Disabled Persons; Employment

Description:
Establishes employment first as a state policy with respect to disabled persons. Requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or counties. Applies employment first principles to Medicaid home- and community-based waiver programs.

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