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# A BILL FOR AN ACT

RELATING TO PERSONS WITH DISABILITIES.

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

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

4           "§78-           Employment first; persons with disabilities. (a)  
5 Employment first shall be a policy of the State and the  
6 counties. State and county agencies shall ensure that  
7 employment first is effectively implemented in hiring and all  
8 programs and services administered or funded by the State and  
9 counties, including programs and services that help persons with  
10 disabilities obtain employment. All state and county agencies  
11 shall coordinate efforts and collaborate to ensure that  
12 programs, policies, procedures, and funding support competitive  
13 employment in an integrated setting for persons with  
14 disabilities. All state and county agencies, whenever feasible,  
15 shall share data and information to track progress toward full  
16 implementation of this section.



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1        (b) Nothing in this section shall be construed to require  
2 any employer to give a preference to hiring a person with a  
3 disability.

4        (c) Nothing in this section shall be construed as  
5 eliminating any other appropriate supported employment service.

6        (d) As used in this section:

7        "Competitive employment" means work in the competitive  
8 labor market that is performed on a full-time or part-time basis  
9 in an integrated setting, and for which a person with a  
10 disability is compensated at or above the minimum wage, but not  
11 less than the customary wage and level of benefits paid by the  
12 employer for the same or similar work performed by a person  
13 without a disability.

14        "Employment first" means:

15        (1) The full inclusion of persons with disabilities in the  
16 workplace and community through integrated employment  
17 as the first option for employment services for adults  
18 and children of working age who have a disability; and

19        (2) Employment services are the first choice of services  
20 that are offered for individuals with disabilities  
21 receiving assistance from publicly funded systems.



1       "Employment first" includes competitive employment.  
2       "Integrated setting" means an employment setting in which  
3 persons with disabilities interact with persons without  
4 disabilities, other than persons without disabilities who are  
5 providing services to those persons with disabilities, to the  
6 same extent that persons without disabilities interact with  
7 other persons in comparable positions."

8       SECTION 2. Section 346D-4, Hawaii Revised Statutes, is  
9 amended to read as follows:

10       **"§346D-4 Provision of services.** (a) Services that  
11 maximize the individual's independence shall be provided in the  
12 individual's home, the home of a responsible relative or other  
13 adult, or a residential alternative setting.

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

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



- 1           (2) Individual providers hired and directed by the waiver
- 2           program individual to provide specific approved
- 3           services;
- 4           (3) Contracts with agency providers, such as home care
- 5           agencies and public or private health and social
- 6           service organizations;
- 7           (4) Contracts with individual providers, such as
- 8           counselors, nurses, therapists, and residential
- 9           alternative program operators who provide services for
- 10          the waiver program; and
- 11          (5) Program personnel, such as social workers and nurses
- 12          who are hired by the waiver program to provide
- 13          specific services.
- 14          (c) The department of human services shall:
- 15          (1) Practice employment first principles, as described in
- 16          section 78- , with respect to waiver program
- 17          personnel; and
- 18          (2) Ensure that contracted agency providers that provide
- 19          services for the waiver program follow employment
- 20          first principles, as described in section 78- ."



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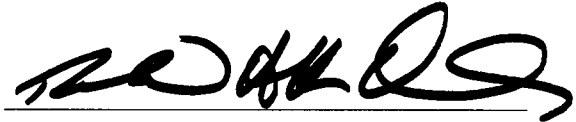
1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY:



JAN 21 2022



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**Report Title:**

Public Service; Persons with Disabilities; Employment

**Description:**

Establishes employment first as a state policy with respect to persons with disabilities. 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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

