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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. Employment services are the first choice of services  
7 that are offered for persons with disabilities receiving  
8 assistance from publicly funded systems. State and county  
9 agencies shall ensure that employment first is effectively  
10 implemented in hiring practices and all programs and services  
11 administered or funded by the State and counties, including  
12 programs and services that help persons with disabilities obtain  
13 employment. All state and county agencies shall coordinate  
14 efforts and collaborate to ensure that programs, policies,  
15 procedures, and funding support competitive employment in an  
16 integrated setting for persons with disabilities. All state and



1 county agencies, when feasible, may share data and information  
2 to track progress toward full implementation of this section.

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

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

8 (d) As used in this section:

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

16 "Employment first" means the competitive employment and  
17 full inclusion of persons with a disability in an integrated  
18 setting as a first and preferred option for employment services.

19 "Integrated setting" means an employment setting in which  
20 persons with disabilities interact with persons without  
21 disabilities, other than persons without disabilities who are



1 providing services to those persons with disabilities, to the  
2 same extent that persons without disabilities interact with  
3 other persons in comparable positions.

4 "Person with a disability" means a person who has a  
5 physical or mental impairment that substantially limits one or  
6 more major life activities."

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

9 **"§346D-4 Provision of services.** (a) Services that  
10 maximize the individual's independence shall be provided in the  
11 individual's home, the home of a responsible relative or other  
12 adult, or a residential alternative setting.

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

16 (1) Informal care providers, such as family members,  
17 friends, or neighbors who regularly provide specific  
18 services without remuneration and not as a part of any  
19 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- ."



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 on July 1, 2022;  
7 provided that section 2 shall take effect on June 30, 2023.



**Report Title:**

Public Service; Persons with Disabilities; Employment First

**Description:**

Establishes "employment first" as a policy of the State and counties. Defines "employment first" as the competitive employment and full inclusion of persons with a disability in an integrated setting as a first and preferred option for employment services. Requires state and county agencies to implement this policy in hiring practices and all programs and services administered or funded by the State or counties. Beginning June 30, 2023, requires the department of human services to apply employment first principles to Medicaid home and community-based services programs. (CD1)

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