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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 practices  
8 and all programs and services administered or funded by the  
9 State and counties, including programs and services that help  
10 persons with disabilities obtain employment. All state and  
11 county agencies shall coordinate efforts and collaborate to  
12 ensure that programs, policies, procedures, and funding support  
13 competitive employment in an integrated setting for persons with  
14 disabilities. All state and county agencies, when feasible, may  
15 share data and information to track progress toward full  
16 implementation of this section.



1        (b) Nothing in this section shall be construed to require  
2 any employer to give 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 the competitive employment and  
15 full inclusion of persons with a disability in an integrated  
16 setting as a first and preferred option for employment services.  
17 Employment services are the first choice of services that are  
18 offered for persons with disabilities receiving assistance from  
19 publicly funded systems.

20        "Integrated setting" means an employment setting in which  
21 persons with disabilities interact with persons without



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

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

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- ."



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 December 25,  
7 2040.



**Report Title:**

Public Service; Persons with Disabilities; Employment First

**Description:**

Establishes "Employment First"--defined 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--as a policy of the State and counties. 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. Requires the Department of Human Services to apply Employment First principles to Medicaid home and community-based services programs. Effective 12/25/2040. (SD1)

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

