
A BILL FOR AN ACT

RELATING TO DISABLED PERSONS.

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

16 (b) Nothing in this section shall be construed to require
17 any employer to give preference to hiring a disabled person.



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

3 (d) As used in this section:

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

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

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

16 "Integrated setting" means an employment setting in which
17 disabled persons interact with nondisabled persons, other than
18 nondisabled persons who are providing services to those disabled
19 persons, to the same extent that nondisabled persons interact
20 with other persons in comparable positions."



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

3 "§346D-4 Provision of services. (a) Services that
4 maximize the individual's independence shall be provided in the
5 individual's home, the home of a responsible relative or other
6 adult, or a residential alternative setting.

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

- 10 (1) Informal care providers, such as family members,
11 friends, or neighbors who regularly provide specific
12 services without remuneration and not as a part of any
13 organized volunteer activity;
- 14 (2) Individual providers hired and directed by the waiver
15 program individual to provide specific approved
16 services;
- 17 (3) Contracts with agency providers, such as home care
18 agencies and public or private health and social
19 service organizations;
- 20 (4) Contracts with individual providers, such as
21 counselors, nurses, therapists, and residential



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1 alternative program operators who provide services for
2 the waiver program; and

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

6 (c) The department of human services shall:

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

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

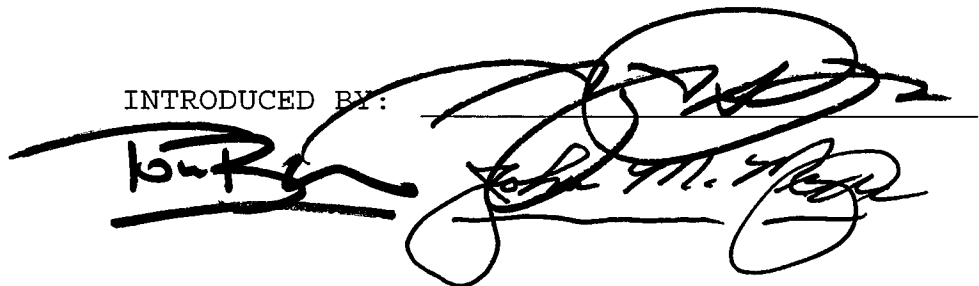
14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: _____



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JAN 22 2019



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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.

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

