
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 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 disabled
10 persons obtain employment. All state and county agencies shall
11 coordinate efforts and collaborate to ensure that programs,
12 policies, procedures, and funding support competitive employment
13 in an integrated setting for disabled persons. All state and
14 county agencies, whenever feasible, shall share data and
15 information to track progress toward full implementation of this
16 section.



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

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

5 (d) As used in this section:

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

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

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

18 "Integrated setting" means an employment setting in which
19 disabled persons interact with nondisabled persons, other than
20 nondisabled persons who are providing services to those disabled



1 persons, to the same extent that nondisabled persons interact
2 with other persons in comparable positions."

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

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

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

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

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

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



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

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

8 (c) The department of human services shall:

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

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

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

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

21 SECTION 5. This Act shall take effect on January 1, 2050.



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. (HB747 HD1)

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