

JAN 17 2020

A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT OF PERSONS WITH DISABILITIES.

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

1 SECTION 1. The legislature finds that Employment First is
2 a policy that asserts that employment in the general workforce
3 is the first and preferred option for persons with disabilities
4 who receive assistance from publicly funded systems. The policy
5 encourages all people regardless of their disability to have the
6 opportunity to work and is part of a national effort supported
7 by the U.S. Department of Labor, Office of Disability Employment
8 Policy. At least forty states have adopted Employment First
9 legislation or made an official state policy supporting
10 Employment First.

11 The legislature further finds that in 2016 several of the
12 State's departments and agencies entered into a five-year
13 cooperative agreement for Employment First collaboration, with
14 the vision that the Employment First partnerships would provide
15 increased access for people with disabilities to competitive
16 integrated employment. Moreover, the governor signed a
17 proclamation in 2017 identify the month of October as Disability



1 Employment Awareness month and endorsed Hawaii's designation as
2 an Employment First state. In this proclamation, the governor
3 encouraged all citizens to fully participate in the workforce
4 and bring their individual strengths and talents to augment
5 Hawaii's business and industry.

6 The legislature does not intend that this measure be
7 construed to mean that a person with a disability shall be given
8 a hiring preference due to their disability.

9 The purpose of this bill is to:

- 10 (1) Establish Employment First as a policy of the State
11 and counties, to fully include persons with
12 disabilities in the workplace and community through
13 integrated employment as the first option for their
14 employment; and
- 15 (2) Require the Department of Human Services to implement
16 the Employment First policy with respect to employment
17 of personnel in Medicaid home and community-based
18 waiver programs and to require that contracted service
19 and care providers in Medicaid home and community-
20 based waiver programs practice Employment First
21 principles in hiring their personnel.



1 SECTION 2. 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 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 and fund, including
9 programs and services that help persons with disabilities 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 persons with disabilities. All state and
14 county agencies, whenever feasible, shall share data and
15 information to track progress toward full implementation of this
16 section.

17 (b) Nothing in this section shall be construed to require
18 any employer to give preference to hiring a person with a
19 disability.

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

1 (d) As used in this section:

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

9 "Employment First" means the full inclusion of persons with
10 disabilities in the workplace and community through integrated
11 employment as the first option for employment services for
12 adults and children of working age who have a disability.

13 "Employment First" includes competitive employment in an
14 integrated setting.

15 "Integrated setting" means an employment setting in which
16 persons with disabilities interact with persons who do not have
17 disabilities, other than persons who do not have disabilities
18 who are providing services to those persons with disabilities,
19 to the same extent that persons who do not have disabilities
20 interact with other persons in comparable positions."



1 SECTION 3. 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



S.B. NO. 2247

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 employment of waiver
9 program personnel; and

10 (2) Require contracted agency providers that provide
11 services for the waiver program follow Employment
12 First principles, as described in section 78- , with
13 regard to employment of agency personnel."

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

16 SECTION 5. This Act shall take effect on July 1, 2020.

17

INTRODUCED BY: Hal Rhoad

Rod EPH



S.B. NO. 2247

Report Title:

Deaf and Blind Task Force; Employment First; Persons with Disabilities; Employment

Description:

Establishes Employment First as a state policy for persons with disabilities. Requires state and county agencies to implement Employment First in hiring and in all programs and services administered or funded by the State or counties. Applies Employment First principles to Medicaid home- and community-based waiver programs.

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