

JAN 21 2022

S.B. NO. 2875

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 and all
8 programs and services administered or funded by the State and
9 counties, including programs and services that help persons with
10 disabilities obtain employment. All state and county agencies
11 shall coordinate efforts and collaborate to ensure that
12 programs, policies, procedures, and funding support competitive
13 employment in an integrated setting for persons with
14 disabilities. All state and county agencies, whenever feasible,
15 shall 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 "Integrated setting" means an employment setting in which
18 persons with disabilities interact with persons without
19 disabilities, other than persons without disabilities who are
20 providing services to those persons with disabilities, to the



1 same extent that persons without disabilities interact with
2 other persons in comparable positions.

3 "Person with a disability" means an adult or child of
4 working age who receives assistance from publicly funded
5 systems."

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

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

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

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

19 (2) Individual providers hired and directed by the waiver
20 program individual to provide specific approved
21 services;



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

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

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

(c) The department of human services shall:

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

(2) Ensure that contracted agency providers that provide services for the waiver program follow employment first principles, as described in section 78- ."

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



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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2022.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "John D. De..." with a large, stylized initial "J" and a circular flourish.

S.B. NO. 2875

Report Title:

Public Service; Persons with Disabilities; Employment

Description:

Establishes employment first as a state policy with respect to persons with disabilities. 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.

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