

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 11, 2022

The Honorable Representative Mark M Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Nakashima and Committee Members:

SUBJECT: HB1787 HD1 Relating to Persons with Disabilities

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS HB1787 HD1** which establishes employment first as a state policy with respect to persons with disabilities.

For the past decade, Hawaii has been at the bottom of the country for employing people with intellectual/developmental disabilities (I/DD). In recent years we have made strides as a state removing barriers to employment for individuals with I/DD by passing bills such as the Kal's Law, an Earned Income Disregard (Act 155, 2019), which allows individuals receiving Medicaid to earn up to a livable wage without losing their Medicaid services. Ending sub-minimum wage (Act 055, 2021) which ended the discriminatory practice of paying individuals with I/DD below our minimum wage laws in the state. Becoming an Employment First State is the next step in supporting individuals with I/DD to fully integrate into our community by encouraging and promoting joining our Hawaii workforce.

Many individuals with I/DD receive Home and Community-Based Services (HCBS) through the Medicaid Waiver program. Since HCBS services began the most utilized Waiver service for day activities is Adult Day Health (ADH) programs. These programs provide daily training and supervision. However, they are center-based programs where individuals with disabilities spend their days in a center with other individuals with disabilities. There is minimal transition to employment from these types of programs.

Instilling Employment First as a state policy would foster the expectation that individuals with I/DD can and should work and contribute to their community and the workforce in integrated and competitive employment settings.

Thank you for the opportunity to submit testimony in strong support of **HB1787 HD1**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 10, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 1787 HD1 – RELATING TO PERSONS WITH DISABILITIES.**

HEARING: February 11, 2022, 2:15 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure and offers comments. As a state agency, DHS is an equal opportunity agency and supports the employment of individuals with disabilities in competitive, integrated settings.

PURPOSE: The purpose of the bill 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. Effective 12/25/2040. (HD1)

The bill would amend Chapter 78, Hawaii Revised Statutes (HRS), by adding a new section that establishes three new definitions covering "employment first," "integrated setting," and "competitive employment." The measure also mandates that state and county agencies ensure that employment first is effectively implemented in hiring and in all programs and services that they administer or fund, including programs and services that help disabled persons obtain employment. The bill would also amend section 346D-4, HRS, by specifying that

employment first principles be practiced by waiver program personnel and hiring staff by contracted agency providers that provide services under HCBS waiver programs.

The Department requests clarification of section 2 of the bill; one could read that the new Section 346D-4(c) would mandate:

- Either that DHS use employment first principles in the hiring of state employees that work on HCBS waiver programs, and that DHS place requirements in its contracts with providers so that the providers' hire staff following employment first principles; and or that
- State employees and DHS contractors who work on HCBS waiver programs apply employment first principles in providing employment services to Medicaid beneficiaries.

DHS notes that such a mandate will require additional funding to carry out Section 2 regardless of the reading. Also, to effectuate the proposed section, further planning, resources, and training are needed to support contractors to implement employment first principles in their services to Medicaid beneficiaries. Planning and resources are also necessary to ensure that employers, including State and contract providers, are not required to give preference in hiring a person with disabilities.

DHS supports the intent of the bill to expand employment opportunities for people with disabilities in competitive integrated employment and is willing to work with the Departments of Health, Human Resources Development, Labor and Industrial Relations, the Legislature, and other stakeholders to achieve employment first policies for the State.

Thank you for the opportunity to provide comments on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

ANNE PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

February 11, 2022

To: The Honorable Mark M. Nakashima, Chair,
The Honorable Scott Z. Matayoshi, Vice Chair, and
Members of the House Committee on Judiciary & Hawaiian Affairs

Date: Friday, February 11, 2022
Time: 2:15 p.m.
Place: Conference Room 325, State Capitol

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1787 HD1 RELATING TO PERSONS WITH DISABILITIES

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The DLIR offers comments on this measure. The department notes that the language (pg. 1, lines 13-15) in Section 1, the proposed new section to Chapter 78, Hawaii Revised Statutes (HRS), could be construed to require the DLIR to share data and information it maintains as part of the Federal-State Unemployment Compensation program.

The U.S. Department of Labor (USDOL) has long interpreted methods of administration to require the confidentiality of Unemployment Insurance (UI) information and to follow the Congressional mandate that UI information be used only for the purpose for which it is directed. There exist limited circumstances in which the sharing of information is allowed with other public officials. Disclosure of information in the course of administering the state employment security program shall be held confidential and shall not be disclosed unless authorized requesting agencies have entered into a written agreement with the department. All expenses associated with providing the data must be reimbursed by the requesting agency in accordance with the federal requirements.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

February 11, 2022

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

House Bill 1787, House Draft 1 – Relating to Persons with Disabilities

The Disability and Communication Access Board (DCAB) supports House Bill 1787, House Draft 1, Relating to Persons with Disabilities. This bill establishes employment first as a state policy with respect to persons with disabilities. It requires state and county agencies to implement this policy in hiring and all programs and services administered or funded by the State or Counties.

Employment first is a framework for systems change that is centered on the premise that all citizens, including persons with intellectual/developmental disabilities, are capable of full participation in integrated employment and community life.

It is encouraging that the Legislature is leading the way to ensure that persons with intellectual/developmental disabilities are participating in a workforce that is integrated and promotes competitive employment settings.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Kristine Pagano

for KIRBY L. SHAW
Executive Director

HB-1787-HD-1

Submitted on: 2/9/2022 5:09:52 PM

Testimony for JHA on 2/11/2022 2:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

We are in support.



TO: The Honorable Representative Mark M. Nakashima, Chair
The Honorable Representative Scot Z. Matayoshi, Vice Chair
House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Fae Torres, Maui Self-Advocacy Advisory Council, Vice Chair

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
DISABILITIES

The 16 Self-Advocacy Advisory Council members of Maui are in support of HB 1787, relating to Employment of Persons with Disabilities.



TO: The Honorable Representative Mark M. Nakashima, Chair
The Honorable Representative Scot Z. Matayoshi, Vice Chair
House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Cheryl Obrero, East Hawai'i Self-Advocacy Advisory Council, Chair

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
DISABILITIES

The 7 Self-Advocacy Advisory Council members of East Hawai'i are in support of HB 1787,
relating to Employment of Persons with Disabilities.



TO: The Honorable Representative Mark M. Nakashima, Chair
The Honorable Representative Scot Z. Matayoshi, Vice Chair
House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Lois Phillips, West Hawai'i Self-Advocacy Advisory Council Member

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
DISABILITIES

The 21 Self-Advocacy Advisory Council members of West Hawai'i are in support of HB 1787, relating to Employment of Persons with Disabilities.



TO: The Honorable Representative Mark M. Nakashima, Chair
The Honorable Representative Scot Z. Matayoshi, Vice Chair
House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Deziree Tacub, Kaua'i Self-Advocacy Advisory Council, Chair

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
DISABILITIES

The 17 Self-Advocacy Advisory Council members of Kaua'i are in support of HB 1787,
relating to Employment of Persons with Disabilities.



TO: The Honorable Representative Mark M. Nakashima, Chair

 The Honorable Representative Scot Z. Matayoshi, Vice Chair

 House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Joshua Ige, Lana'i Self-Advocacy Advisory Council, Chair

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
 DISABILITIES

As the only Self-Advocate on the island of Lana'i, the Lana'i Self-Advisory Council of Lana'i is in support of HB 1787, relating to Employment of Persons with Disabilities.



TO: The Honorable Representative Mark M. Nakashima, Chair
The Honorable Representative Scot Z. Matayoshi, Vice Chair
House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Brandon Reny-Wong, Moloka'i Self-Advocacy Advisory Council, Chair

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
DISABILITIES

The 7 Self-Advocacy Advisory Council members of Moloka'i are in support of HB 1787,
relating to Employment of Persons with Disabilities.



TO: The Honorable Representative Mark M. Nakashima, Chair
The Honorable Representative Scot Z. Matayoshi, Vice Chair
House of Representatives Committee on Judiciary and Hawaiian Affairs

FROM: Bathey Fong, O'ahu Self-Advocacy Advisory Council, Chair and
President of the Hawai'i State Advocacy Advisory Council

SUBJECT: HB 1787 – RELATING TO EMPLOYMENT OF PERSONS WITH
DISABILITIES

The 98 Self-Advocacy Advisory Council members of O'ahu are in support of HB 1787, relating to Employment of Persons with Disabilities.

HB-1787-HD-1

Submitted on: 2/10/2022 11:47:44 AM

Testimony for JHA on 2/11/2022 2:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean Sullivan	Individual	Support	No

Comments:

February 10, 2022

Re: Testimony in support of HB 1787 Relating to Persons with Disabilities

With over 30 years Human Resources experience including 7 years working working with a non-profit to create jobs for people with disabilities, I have seen first hand, the positive effects and long term benefits employment has for people with disabilities, their family, the community, as well as their employers seeking to have a diverse, inclusive workforce.

I encourage you to pass HB1787 to support people with disabilities willing and able to work and to encourage them to transition from tax recipients to proud tax payers.

Sincerely,

Sean Sullivan

Manager, Employment Services

PRIDE Industries, Honolulu, Hawaii

"Creating jobs for people with disabilities"

HB-1787-HD-1

Submitted on: 2/10/2022 2:22:01 PM

Testimony for JHA on 2/11/2022 2:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
darwin nagamine	Individual	Support	Yes

Comments:

My name is Darwin Nagamine.I support HB 1787 because having a job is important to me.

I think that it should be clear to everyone that the State of Hawaii supports employment at competitive wages for everyone and encourages all state and local governments to hire qualified persons with disabilities.