

DAVID Y. IGE
GOVERNOR

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

ANNE PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

February 1, 2022

To: The Honorable , Richard H.K. Onishi, Chair,
The Honorable Jackson D. Sayama, Vice Chair, and
Members of the House Committee on Labor & Tourism

Date: Tuesday, February 1, 2022
Time: 9:30 a.m.
Place: Conference Room 312, State Capitol

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

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

Chair Onishi, Vice Chair Sayama, and Members of the Committee:

The DLIR offers comments on this measure. The department notes that the language (pg. 1, lines 14-16) 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.



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 1, 2022

The Honorable Richard H.K. Onishi, Chair
House Committee on Labor & Tourism
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Onishi and Committee Members:

SUBJECT: HB1787 Relating to Persons with Disabilities

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS HB1787** 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**.

Sincerely,

Daintry Bartoldus
Executive Administrator

HB-1787

Submitted on: 1/30/2022 11:46:10 PM

Testimony for LAT on 2/1/2022 9:30:00 AM

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

Comments:

We are in support.

HB-1787

Submitted on: 1/28/2022 2:53:06 PM

Testimony for LAT on 2/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mike Golojuch, Sr.	Rainbow Family 808	Support	No

Comments:

We support HB1787 in helping persons with disabilities obtain employment.

Mike Golojuch, Sr., Secretary/Board Member, Rainbow Family 808



TO: The Honorable Representative Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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 Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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 Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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 Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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 Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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 Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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 Richard H.K. Onishi, Chair
The Honorable Representative Jackson D. Sayama, Vice Chair
House of Representatives Committee on Labor and Tourism

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.



20 Years of Empowering People to Live, Work,
Learn and Enjoy Life on Hawai'i Island

To: Committee on Labor and Tourism

Hearing Date/Time: 2/1/2022 at 9:30A

Re: **HB1787**, Relating to Persons with Disabilities establishing employment first as a state policy

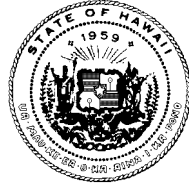
Dear Chair Rep. Onishi, Vice Chair Rep. Sayama, and committee members,

Thank you for the opportunity to **testify in support** on HB1787 relating to people with disabilities and establishing employment first as a state policy.

People with intellectual and developmental disabilities continue to experience many barriers to employment. We believe that an employment first policy establishes procedures and the expectation that anyone with a developmental disability participating in the I/DD HCBS Waiver who desires to work will be provided services and opportunities to participate in competitive and integrated employment. We are in support of providing options and opportunities to all people with intellectual and developmental disabilities who desire to join the workforce. With our current labor shortage in Hawai'i there is a need for more individuals to enter the workforce.

Thank you,
Jim Kilgore, Executive Director
Full Life

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

January 31, 2022

TO: The Honorable Richard H.K. Onishi, Chair
House Committee on Labor and Tourism

FROM: Cathy Betts, Director

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

HEARING: Tuesday, February 1, 2022, 9:30 A.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 disabled persons. The bill requires state and county agencies to implement this policy in hiring in all programs and services administered or funded by the State or counties. It applies employment first principles to Medicaid home- and community-based (HCBS) waiver programs.

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.