

DAVID Y. IGE  
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STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

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February 6, 2022

TO: The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Human Services

The Honorable Senator Brian T. Taniguchi, Chair  
Senate Committee on Labor, Culture, and the Arts

FROM: Cathy Betts, Director

SUBJECT: **SB 2875 – RELATING TO PERSONS WITH DISABILITIES.**

HEARING: February 7, 2022, 3:05 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.

The bill would amend Chapter 78, Hawaii Revised Statutes (HRS), by adding an employment first policy statement and 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 also amends 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.

DHS notes that, as drafted, for DHS to implement these changes, the agency will likely require additional resources and clarification from the Department of Human Resources Development. Also, DHS will require time and resources to plan, train, and review contract provisions that will support contractors to implement employment first principles in their services to Medicaid beneficiaries. DHS anticipates additional resources for outreach and communication will be needed to ensure that employers, including State and contract providers, have a comprehensive understanding of employment first.

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 OF HAWAII



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

**STATE OF HAWAII**  
STATE COUNCIL  
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February 07, 2022

The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Human Services  
The Honorable Senator Brain T. Taniguchi, Chair  
Senate Committee on Labor, Culture, and the Arts  
The Thirty-First Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

**LATE**

Dear Senator San Buenaventura, Senator Taniguchi, and Committee Members:

SUBJECT: SB2875 Relating to Persons with Disabilities

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB2875** with a recommended amendment.

For clarity and consistency with the national intent of Employment First practices we ask that on page 2, line 17 we add "Employment services are the first choice of services that are offered for individuals with disabilities receiving assistance from publicly funded systems." Under the definition of Employment First.

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 **support of SB2875**.

Sincerely,



Daintry Bartoldus  
Executive Administrator

**SB-2875**

Submitted on: 2/4/2022 7:27:02 PM

Testimony for HMS on 2/7/2022 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	No

Comments:

We are in support.