

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
March 22, 2022

The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Human Services
and
The Honorable Senator Brian 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

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

SUBJECT: HB1787 HD2 Relating to Persons with Disabilities

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS** **HB1787 HD2** 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 HD2.**

Sincerely,



Daintry Bartoldus
Executive Administrator



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

March 22, 2022

To: The Honorable Joy A. San Buenaventura, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Human Services

The Honorable Brian T. Taniguchi, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Labor, Culture and the Arts

Date: Tuesday, March 22, 2022
Time: 3:10 p.m.
Place: Conference Room 225, State Capitol

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

Re: H.B. 1787 HD2 RELATING TO PERSONS WITH DISABILITIES

Chairs San Buenaventura and Taniguchi, Vice Chair Ihara, Jr., and Members of the Committees:

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

March 22, 2022

TESTIMONY TO THE SENATE COMMITTEES ON HUMAN SERVICES AND ON LABOR, CULTURE, AND THE ARTS

House Bill 1787, House Draft 2 – Relating to Persons with Disabilities

The Disability and Communication Access Board (DCAB) supports House Bill 1787, House Draft 2, 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.

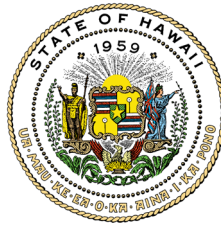
Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

DAVID Y. IGE
GOVERNOR OF HAWAII

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



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**Testimony COMMENTING on HB1787 HD2
Relating to Persons with Disabilities**

COMMITTEE ON HUMAN SERVICES
SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATOR LES IHARA, JR., VICE CHAIR

COMMITTEE ON LABOR, CULTURE, AND THE ARTS
SENATOR BRIAN T. TANIGUCHI, CHAIR
SENATOR LES IHARA, JR., VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: March 22, 2022
3:10 PM

Room Number: 225
Via Videoconference

EOA's Position: The Executive Office on Aging (EOA), an attached agency to the Department of Health, supports the intent of HB1787 HD2, Relating to Persons with Disabilities, and provides comments.

Fiscal Implications: None

Purpose and Justification: The purpose of this bill is to establish 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 and funded by the State or counties.

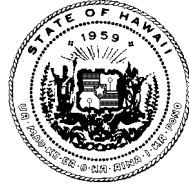
Per the US Department of Labor, the workforce participation rate for individuals with disabilities is about 1/3 that of people without disabilities. The low employment rate for people has been

1 increasingly recognized as a serious societal issue, with over 13 million adults of working age in
2 the United States receiving disability benefits from Social Security. Yet it has been continuously
3 shown that with assistance, accommodations, and encouragement, many more people with
4 disabilities can work successfully in the community. Employment First is based on the
5 framework that provides persons with intellectual/developmental disabilities gainful
6 employment, fair wages and benefits, and the dignity that arises from an integrated and
7 competitive employment. There are many barriers to employment for persons with disabilities,
8 including workplace barriers. The EOA supports efforts for State and county agencies to address
9 these barriers and to creating an inclusive workforce.

10 **Recommendation:** EOA supports the intent of this measure and defers to the Department of
11 Human Services on its implementation.

12 Thank you for the opportunity to testify.

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

March 21, 2022

LATE

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

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

FROM: Cathy Betts, Director

SUBJECT: **HB 1787 HD2 – RELATING TO PERSONS WITH DISABILITIES.**

HEARING: March 22, 2022, 3:10 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure, offers comments, and proposes amendments. 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. (HD2)

The HD1 defected the effective date and made technical amendments. The HD2 amended the measure by,

- (1) Deleting language that required the Department of Human Services to ensure that contracted agency providers that provide services for Medicaid home- and community-based services waiver programs follow Employment First principles; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 Department respectfully proposes to insert additional language, in Section 1, on page 1, line 13, to read as follows,

"§78- Employment first; persons with disabilities. (a) Employment first shall be a policy of the State and the counties. State and county agencies shall ensure that employment first is effectively implemented in hiring and all programs and services administered or funded by the State and counties, including programs and services that help persons with disabilities obtain employment. All state and county agencies shall coordinate efforts and collaborate to ensure that programs, policies, procedures, and funding support competitive employment for persons with disabilities to obtain, retain, or advance in employment. All state and county agencies, whenever feasible, shall share data and information to track progress toward full implementation of this section.

DHS notes that the mandate in Section 2, paragraph (c) will likely require additional time and resources to plan, consult with human resources and the Department of Health, and train to carry out the intent of the section. In Hawaii, DOH operates the State's Medicaid 1915(c) Home and Community-Based Services (HCBS) Waiver program for individuals with intellectual and developmental disabilities (I/DD). DHS requests an extended effective date to meet this new mandate.

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.

HB-1787-HD-2

Submitted on: 3/16/2022 11:40:32 AM

Testimony for HMS on 3/22/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

Support.

HB-1787-HD-2

Submitted on: 3/16/2022 1:42:19 PM

Testimony for HMS on 3/22/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 is definitely in support of HB1787. Please pass this equality issue bill. Thank you.

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

HB-1787-HD-2

Submitted on: 3/16/2022 1:20:11 PM

Testimony for HMS on 3/22/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Written Testimony Only

Comments:

I SUPPORT HB1787 HD2 Because if the government can support Veterans why not give preference to disabled people? It has been my experience as a long-time IAM union officer & steward at Pearl Harbor Naval Shipyard. That injured workers make the best employees and that having a hire first policy makes good business sense.

Samuel Mitchell (Member Makiki NB-10)

HB-1787-HD-2

Submitted on: 3/21/2022 10:31:44 AM

Testimony for HMS on 3/22/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ho'opi'ookalani J Balaz	Individual	Support	Written Testimony Only

Comments:

My name is Ho'opi'ookalani Balaz and I support HB1787. I personally feel that this bill will help society recognize that those with disabilities can work as much as those who are not disabled. Although I, speaking as a disabled person has some limitations, the employee can work around them and help contribute to the job they want to undertake, as well as access to competitive employment opportunities. In addition, the wages & benefits for all employees is vital to the independent and individualistic lifestyles of those who are disabled and increase the workplace as a place where those who have disabilities are welcomed. I submit this testimony in support of HB1787.

HB-1787-HD-2

Submitted on: 3/21/2022 10:31:40 AM

Testimony for HMS on 3/22/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Freitas	Individual	Support	Written Testimony Only

Comments:

My name is Mary Freitas and I support HB1787. I have been working with individuals with disabilities for about 5 years and I am currently a MSW student at Hawaii Pacific University. I support increasing the access to competitive employment opportunities for individuals with disabilities. I believe living wages and benefits for all employees are important for increasing independence, and allowing individuals to work at a competitive rate increases their skills and their marketability as an employee. I submit this testimony in support HB1787.

HB-1787-HD-2

Submitted on: 3/22/2022 12:11:12 AM

Testimony for HMS on 3/22/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

aloha,

Kimeona Kane, from Waimānalo in support of this bill.

Mahalo nui,

Kimeona

LATE