

MAR 11 2022

SENATE RESOLUTION

REQUESTING STATE AND COUNTY AGENCIES TO IMPLEMENT EMPLOYMENT FIRST PRINCIPLES IN HIRING PRACTICES AND ALL PROGRAMS AND SERVICES ADMINISTERED OR FUNDED BY THE STATE AND COUNTIES, INCLUDING PROGRAMS AND SERVICES THAT HELP PERSONS WITH DISABILITIES OBTAIN EMPLOYMENT.

1 WHEREAS, in recent years, Hawaii has made strides in
2 removing barriers to employment for persons with intellectual or
3 developmental disabilities; and

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5 WHEREAS, by Act 155, Session Laws of Hawaii 2019 (Act 155)
6 the Legislature enacted Kal's Law, an Earned Income Disregard
7 Program allowing individuals who receive Medicaid to earn up to
8 a livable wage without losing their Medicaid services; and

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10 WHEREAS, by Act 55, Session Laws of Hawaii 2021, the
11 Legislature repealed the law that exempted persons with
12 disabilities from minimum wage requirements; and

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14 WHEREAS, further work can be done to assist persons with
15 disabilities who desire to join the workforce by promoting
16 policies that prioritize employment as a strategy for fuller
17 integration into the community; and

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19 WHEREAS, employment first principles elevate employment in
20 the general workforce as the first and preferred option for
21 persons with disabilities receiving assistance from publicly
22 funded systems; and

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24 WHEREAS, as the Legislature concluded in Act 155, "it is
25 advantageous for economic development in the State and in the
26 best interests of Hawaii's citizens with disabilities to
27 establish programs and policies that encourage their
28 employment"; now, therefore,

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S.R. NO. 212

1 BE IT RESOLVED by the Senate of the Thirty-first
2 Legislature of the State of Hawaii, Regular Session of 2022,
3 that state and county agencies are requested to implement
4 employment first principles in hiring practices and all programs
5 and services administered or funded by the State and counties,
6 including programs and services that help persons with
7 disabilities obtain employment; and

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9 BE IT FURTHER RESOLVED that state and county agencies are
10 requested to coordinate their efforts and collaborate to ensure
11 that programs, policies, procedures, and funding support
12 competitive employment in an integrated setting for persons with
13 disabilities; and

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15 BE IT FURTHER RESOLVED that, in carrying out employment
16 first principles, the following apply:

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18 (1) "Competitive employment" means work in the competitive
19 labor market that is performed on a full-time or part-
20 time basis in an integrated setting, and for which a
21 person with disabilities is compensated at or above
22 the minimum wage, but not less than the customary wage
23 and level of benefits paid by the employer for the
24 same or similar work performed by persons without
25 disabilities;

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27 (2) "Employment first" means the full inclusion of persons
28 with disabilities in the workplace and community
29 through integrated employment as the first option for
30 employment services for adults and children of working
31 age who have disabilities, and includes competitive
32 employment in an integrated setting; and

33
34 (3) "Integrated setting" means an employment setting in
35 which persons with disabilities interact with persons
36 without disabilities, other than persons without
37 disabilities who are providing services to those
38 persons with disabilities, to the same extent that
39 persons without disabilities interact with other
40 persons in comparable positions; and
41



S.R. NO. 212

1 BE IT FURTHER RESOLVED that, by requesting that employment
 2 first principles be implemented, this body is not suggesting
 3 that any employer be required to give preference to hiring a
 4 person with disabilities, nor is this body suggesting that other
 5 appropriate supported employment services be eliminated; and

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 7 BE IT FURTHER RESOLVED that the Department of Human
 8 Services is requested to:

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 10 (1) Practice employment first principles with respect to
 11 waiver program personnel under chapter 346D, Hawaii
 12 Revised Statutes; and

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 14 (2) Ensure that contracted agency providers that provide
 15 services for the waiver program follow employment
 16 first principles in the hiring of their employees; and

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 18 BE IT FURTHER RESOLVED that certified copies of this
 19 Resolution be transmitted to the Governor, Director of Human
 20 Services, Director of Health, Director of Labor and Industrial
 21 Relations, mayor of each of the four counties, Executive
 22 Administrator of the State Council on Developmental
 23 Disabilities, Executive Director of the Disability and
 24 Communication Access Board, and Executive Director of the Hawaii
 25 Disability Rights Center.

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 28 OFFERED BY:


