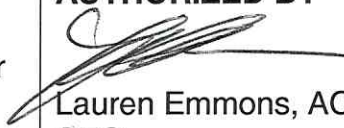


CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 20
SECTION Individual Rights		DESCRIPTION Performance of Labor by Persons Served	
WRITTEN BY Lisa K. Jolly, B.S. Recipient Rights Officer	REVISED BY Lisa K. Jolly, B.S. Recipient Rights Officer	AUTHORIZED BY  Lauren Emmons, ACSW CEO	

APPLICATION:

<input checked="" type="checkbox"/> CMH Staff	<input checked="" type="checkbox"/> Board Members	<input checked="" type="checkbox"/> Provider Network	<input checked="" type="checkbox"/> Employment Services Providers
<input checked="" type="checkbox"/> Employment Services Provider Agencies	<input checked="" type="checkbox"/> Independent Contractors	<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> Interns
<input checked="" type="checkbox"/> Volunteers	<input checked="" type="checkbox"/> Persons Served		

POLICY:

Lapeer County Community Mental Health (LCCMH) programs and contract providers will be in compliance with labor standards for persons served.

STANDARDS:

- A. All rights be safeguarded for persons served to the fullest extent possible.
- B. The agency will adhere to all applicable federal and state laws as well as Michigan Department of Health and Human Services Administrative Rules.
- C. Persons served who live in a residential setting and who work, are to do so in accordance with the therapeutic needs as outlined in the treatment plan.
- D. Work will not violate the basic human dignity to which the person served is entitled.
- E. A person served must voluntarily agree to perform the labor.

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- F. Work or work training will be consistent with state and federal regulations and with Michigan Department of Health and Human Services policies.
1. A person served may perform labor contributing to the operation and maintenance of the facility for which the facility would otherwise employ someone only if the person served voluntarily agrees to perform the labor, engaging in the labor would not be inconsistent with the individual plan of services for the person served, and the amount of time or effort necessary to perform the labor would not be excessive. In no event will discharge or privileges be conditioned upon the performance of such labor. [MHC 736(1)].
 2. The labor must be consistent with the plan of service for the person served and not be excessive. Such labor must be in accordance with applicable federal and state labor laws, including minimum wage and minimum wage reduction provisions. (330.1736 (2))
 3. The residential provider, when providing labor which results in an economic benefit to a person or agency other than the residential provider, will protect the right to compensation for the person served. Any person served who performs labor other than for the residential provider, will be compensated an appropriate amount "if an economic benefit to another individual or agency results from his or her labor". (330.1736 (3))
- G. The performance of labor by a person served, whether deemed therapeutic or not inconsistent with the plan of service for the person served, will require approval by the CMH case manager in charge of the plan of service.
1. Approval will not be withheld unless reasons explaining how the labor is inconsistent with the plan of service are stated in the case record.
 2. Disapproval of labor by the case manager may be reversed by the CMH Program Supervisor or Chief Executive Officer.
 3. In approving labor, the case manager may set limits. Labor will not consist of more than six hours of a day for the person served, unless approved by the Chief Executive Officer.

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4. Employment of minors will be consistent with the laws of the State of Michigan.
 5. Labor will not interfere with other ongoing treatment or habilitation programs suitable for the persons served.
- H. Any residential provider who provides work or work training will establish procedures to protect such persons served from abuse and/or exploitation. Such procedure will be available for review by CMH.
 - I. Personal housekeeping chores are not eligible for payment, and will be in accordance with standards established by the residential provider. Personal housekeeping chores should not be made as a condition of residence in a residential setting.
 - J. Any residential provider providing such work or work training will furnish the person served and his/her CMH case manager with a written accounting of all such monies received by the person served.
 - K. When persons served work for third parties and/or are supervised by agencies, CMH may request a record from the employer for monies paid in order to assure the person served is getting proper economic value for his work.
 - L. One-half of any compensation paid to a resident for labor performed will be exempt from collection for payment of mental health services provided. [Mental Health Code 736 (6)].

DEFINITIONS:

Facility- a residential facility (either a state or licensed facility) for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability.

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REFERENCES:

Michigan Mental Health Code Section 330.1736;
MDHHS Administrative Rules

LKJ:mgr

This policy supersedes
#12/09054 dated 12/22/2009.
