

NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH AUTHORITY

POLICY & PROCEDURE MANUAL

PERSONNEL
(Manual Section)

**RECIPIENT RIGHTS:
PERFORMANCE OF LABOR**
(Subject)

Approval of Policy
Original Inception Date:
Last Revision of Policy approved:

Dated:
January 11, 1996

February 25, 2011

•1 POLICY:

The Agency shall establish policies and procedures for programs regarding performance of labor by a consumer in the residential setting and under what conditions this may transpire.

•2 APPLICATION:

All employees, all consumers.

•3 DEFINITIONS:

Facility: a residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a state facility or a licensed facility by the department under section 137 or an adult foster care facility.

•4 CROSS-/REFERENCES:

•5 FORMS AND EXHIBITS:

NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH AUTHORITY

POLICY & PROCEDURE MANUAL

Administrative Approval of Procedure:

Dated:

August 15, 2006

•6 PROCEDURE:

Performance of Labor While Residing in a Residential Setting

•6.1 APPLICATION:

All employees, all consumers.

•6.2 OUTLINE / NARRATIVE:

- A. A consumer may perform labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone only if the consumer voluntarily agrees to perform the labor, engaging in the labor would not be inconsistent with the plan of service for the consumer, and the amount of time or effort necessary to perform the labor would not be excessive.
- B. Discharge from the facility or privileges shall in no event be conditioned upon the performance of labor.
- C. A consumer who performs labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone shall be compensated appropriately and in accordance with applicable federal and state labor laws, including minimum wage and minimum wage reduction provisions.
- D. A consumer's right to compensation shall be protected by the facility when performing labor which results in an economic benefit to another person or agency other than the facility.
- E. A facility may provide for compensation of a consumer when he/she performs labor not governed by C and D above.
- F. One-half of any compensation paid to a consumer pursuant to these policies shall be exempt from collection as payment to the facility or CMH for services rendered.
- G. Labor by a consumer of a personal housekeeping nature or as a condition of residence in a small group living arrangement shall not be subject to compensation.

NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH AUTHORITY

POLICY & PROCEDURE MANUAL

- H. Personal housekeeping responsibilities shall be itemized in the “house rules” of each facility.

•6•3 CLARIFICATIONS:

•6•4 CROSS-/REFERENCES:

Mental Health Code 330.1736(1), (3), (5), & (6)

•6•5 FORMS AND EXHIBITS: