

NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH AUTHORITY

POLICY & PROCEDURE MANUAL

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PERSONNEL

(Manual Section)

RECIPIENT RIGHTS: PERFORMANCE OF LABOR – POLICY 3830

Approval of Policy

Dated:

Original Inception Date:

January 11, 1996

Policy Last Reviewed:

June 17, 2024

Last Revision of Policy approved:

June 17, 2024

•1 POLICY:

The Agency shall establish policies and procedures for programs regarding performance of labor by an individual served 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 an intellectual/developmental disability that is either a State facility, a facility licensed by MDHHS under section 137, or an adult foster care facility.

•4 CROSS-/REFERENCES:

•5 FORMS AND EXHIBITS:

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Administrative Approval of Procedure:

Dated:

June 17, 2024

•6 PROCEDURE:

Performance of Labor While Residing in a Residential Setting

•6.1 APPLICATION:

All employees, all individuals served.

•6.2 OUTLINE / NARRATIVE:

- A. An individual served may perform labor which contributes to the operation and maintenance of the facility, for which the facility would otherwise employ someone, only if the individual voluntarily agrees to perform the labor and engaging in the labor would not be inconsistent with the Individual Plan of Service for the individual served, 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. An individual served 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. An individual served'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 an individual served when they perform labor not governed by C and D above.
- F. One-half of any compensation paid to an individual served, pursuant to these policies, shall be exempt from collection as payment to the facility or CMH for services rendered.
- G. Labor by an individual served of a personal housekeeping nature or as a condition of residence in a small group living arrangement shall not be subject to compensation.

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•6•3 CLARIFICATIONS:

•6•4 CROSS-/REFERENCES:

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

•6•5 FORMS AND EXHIBITS: