


(was MCCMH Policy 9-06-080)

Chapter: **RECIPIENT RIGHTS**
Title: **RECIPIENT LABOR**

Prior Approval Date: 1/23/13
Current Approval Date: 8/24/15

Approved by: BOARD ACTION


Executive Director

08/24/15

Date

I. Abstract

This policy establishes the standards and procedures of the Macomb County Community Mental Health (MCCMH) Board regarding labor performed by recipients of services of MCCMH providers.

II. Application

This policy shall apply to directly-operated and contracted network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board that:

- A. Providers and/or residential settings which provide work and/or work training or that utilize recipient labor shall do so in a manner that complements both the therapeutic needs of the recipient and the basic human dignity to which a recipient is entitled; and
- B. Provider procedures to implement this policy shall be consistent with the laws and regulations of the United States Department of Labor, other federal departments, the Michigan Mental Health Code, its administrative rules and guidelines, and other state laws.

IV. Definitions

- A. None.

V. Standards

- A. A recipient who performs labor for the benefit of or under the direction of a MCCMH provider shall be appropriately compensated if the provider would otherwise have had to employ someone to do the job. A recipient engaged in such labor must voluntarily agree to perform such labor.
- B. All recipient labor shall be compensated in an appropriate amount and in accordance with applicable federal and state labor laws, including minimum wage and minimum wage reduction provisions and wage guidelines for government-agency sponsored work training or transitional programs.
- C. All recipient labor must be consistent with the recipient's plan of service, and must not be for more than six (6) hours per day except as overtime compensation requirements may apply. The labor of a recipient, whether deemed therapeutic or not, which is inconsistent with the recipient's plan of service, shall require approval by the individual identified as responsible for the implementation of his/her individual plan of service. Approval shall not be withheld unless reasons explaining how the labor is inconsistent with the plan of service are stated in the clinical record. Disapproval of recipient labor by the person in charge of the plan is subject to supervisory review. In approving the labor, the individual in charge of the plan may set limits. Labor shall not interfere with other ongoing treatment or habilitation programs suitable for the recipient.
- D. Personal housekeeping, routine home maintenance, personal hygiene, labor performed as a condition of participation of residence in small group living arrangements, and activities as part of the recipient's treatment/rehabilitation plan to teach daily living skills or prevocational skills, e.g., washing dishes, dusting, sweeping floors, shall not be considered compensable labor. Any such tasks performed by the recipient shall be within the recipient's capabilities.
- E. Providers shall attempt, to the degree reasonable and feasible, to customize jobs for recipients in keeping with recipients' interests, skills, and abilities. The jobs shall have real value to the employers and meet the employers' needs.
- F. Providers shall seek to provide an expansive selection of recipient workplaces to increase recipient choice and variety of workplace settings.
- G. Reported incidents of uncompensated recipient labor shall be treated as recipient rights complaints and shall be investigated by the MCCMH Office of Recipient Rights.
- H. One-half of any compensation paid to a recipient under the provisions of this policy is exempt from collection under the Michigan Mental Health Code as payment for services rendered.

- I. In no event shall discharge or privileges be conditioned upon the performance of labor.

VI. Procedures

- A. None.

VII. References / Legal Authority

- A. Federal and state statutes

1. Fair Labor Standards Act, 29 USC 201 – 219
2. Michigan Mental Health Code, MCL 330.1736
3. Michigan Youth Employment Standards Act, MCL 409.101 etseq.

- B. Federal and state regulations, rules and guidelines

1. 29 CFR § 525
2. MCL 330.1736
3. MCL 330.1752
4. MDCH Guideline on CMH Recipient Rights Systems, 07-C-1754/GL-01 (2-6-86)

VIII. Exhibits

- A. None.