# COMMUNITY MENTAL HEALTH AUTHORITY

| ADMINISTRATIVE POLICY AND PROCEDURES MANUAL | | | | |
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| **Chapter**<br>**Program Quality** | **Section**<br>**Recipient Rights** | **Chapter**<br>**05** | **Section**<br>**01** | **Subject**<br>**10** |
| **Subject**<br>**Recipient Labor** | **Authorization** | | **Approved: 06/28/83**<br>**Replaces: None** | |

Updated: October 2024; October 2025

**I. PURPOSE:** To protect recipients from being required to perform labor without fair compensation or against their desires.

**II. APPLICATION:** All residential programs and services operated under contract with the Gogebic Community Mental Health Authority (GCMHA).

**III. DEFINITION:**

Facility - a residential setting or partial day program which provides services and is operated by or under contract with GCMHA.

**IV. POLICY:**

**A.** A recipient may perform labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone only if the recipient voluntarily agrees to perform the labor, engaging in the labor would not be inconsistent with the plan of services for the recipient, 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 recipient 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 recipient'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 compensation of a recipient when he/she performs labor not governed by C and D above.

**F.** One-half of any compensation paid to a recipient pursuant to these policies shall be exempt from co1lection as payment to the facility of GCMHA for services rendered.

**G.** Labor by a recipient of a personal housekeeping nature or as a condition of residence in a small group living arrangement shall not be subject to compensation.

**H.** Personal housekeeping responsibilities shall be itemized in the "house rules" of each facility.

## V. PROCEDURE:

**A.** The labor of a recipient, whether deemed therapeutic or not inconsistent with the recipient's plan of service, shall require approval by the Case Holder. Approval shall be noted in the case record. Consent shall be on "Consent to Performance of Labor".

**B.** Approval shall not be withheld unless reasons explaining how the labor is inconsistent with the plan of service are stated in the case record.

**C.** Disapproval of labor by the Case Holder may be reversed by the director of GCMHA.

**D.** In approving labor, the Case Holder sets limits. Recipient labor shall not consume more than six (6) hours of a recipient's day, unless approved by the director of the agency.

**E.** Labor shall not interfere with other ongoing treatment or habilitation programs suitable for the recipient.

**F.** Records of payments to the recipient shall be maintained by the agency.

**G.** If a fee for service is charged to the recipient, it shall be documented, and not exceed one-half of the recipient's earnings.

**H.** A copy of the agency's "house rules" describing personal housekeeping expectations shall be provided to each recipient and/or guardian upon admission.

## VI. REFERENCES AND LEGAL AUTHORITY:

Act 258, Public Acts of 1974, as amended, being MCL33O.1736; Michigan Department of Health and Human Services Administrative Rule 330.7229.

## VII. EXHIBITS:

Consent to Performance of Labor