

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights
Section: Recipient Labor (6.13)
Approved: 11/26/07
Rescinds: 6.13 - Dated 8/25/03
Review Committee: Recipients Rights Advisory Committee
Review Date: 7/30/10

I. Purpose

To establish procedures governing the performances of labor by recipients.

II. Policy

It is the policy of the Hiawatha Behavioral Health Authority to encourage and assist recipients in seeking and performing work under certain conditions. Conditions shall be consistent with regulations of the Federal and State Department of Labor, and the Department of Community Health requirements.

III. Definitions

Compensation: The receipt of money or other form of negotiable compensation for work (including work performed in an occupational training program) which is available to the individual to be used at his/her discretion in determining the benefits to be derived there from.

Department of Labor: A government enforced bureau dealing primarily with wage and hours, child labor laws, Occupational Safety and Health Act (OSHA) Standards, and the advocacy for persons with disabilities.

Facility: A residential lodging for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a state or a licensed provider.

Primary Clinician: The individual in charge of implementing the Recipient's Individual Plan of Service.

Prevailing Wage: The wage paid to non-disabled workers in nearby industry or the surrounding community for essentially the same type, quality, and quantity of work requiring comparable skills.

Work: Any directed activity or series of related activities which result in benefit to the economy of the agency or a contribution to its maintenance or in the production of a salable product.

IV. Procedure

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 to include documentation of the same. The following will apply:

1. Engaging in labor would not be inconsistent with the Individual Plan of Services.
2. The amount of time or effort necessary to perform the labor would not be excessive.

3. In no way shall discharge or privileges be contingent upon the performance of labor.
4. The work shall comply with all applicable laws and regulations.

B. A recipient who performs labor that 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 or the prevailing wage.

C. A recipient who performs other types of labor shall be compensated an appropriate amount if an economic benefit to another individual or agency results from his/her labor.

D. One-half of any compensation paid to a recipient is exempt from collection as payment for services rendered.

E. The above subsections (A through D) do not apply to labor of a personal housekeeping nature or labor performed as a condition of residence in small group living arrangement such as:

1. Personal housekeeping tasks, performed in a group living arrangement include but are not limited to, such things as:
 - a. Meal planning, food purchasing, food preparation, table setting, serving, dish washing, etc.;
 - b. Household cleaning and laundry;
 - c. Clothes repair;
 - d. General household shopping including clothing.

F. The work is part of the Recipient's Individual Plan of Service and is approved by the Person-Centered Planning Team.

1. Approval shall not be withheld unless reasons explaining how the work is inconsistent with the Recipient's Individual Plan of Service are stated in the record.
2. The work cannot interfere with rehabilitation or habilitation programs suitable for the recipient.
3. In approving labor, the person-centered planning team with assistance from the primary clinician shall set limits. Recipient labor shall not consume more than 6 hours of a recipient's day unless otherwise approved by the Agency director or designee.
4. Federal and State Employee Laws and Regulations as mandated by the Department of Labor regarding hours worked, record keeping, commensurate wage, etc., shall be practiced.
5. When a Recipient's Individual Plan of Service includes the tasks to be performed, as well as, an agreement by the recipient to occupational or vocational training or work, specific work objectives and anticipated progress should be included in the Recipient's Individual Plan of Service along with reasons for the tasks.
6. If work training is to be performed on a voluntary basis, the recipient, the recipient's guardian, or parent with legal custody of a minor must be in agreement to include documentation of the same in the recipient's case record.
7. The work complies with applicable law and regulation.

V. Application

Residential and Day Programs

VI. Cross References and Legal Authority

- A. Fair Labor Standards Act as amended 1967, Federal Employment Laws and Regulations.
- B. Act 258 of the Public Acts of 1974 as amended, Mental Health Code Section 330.1736.