

**ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**

**ADMINISTRATIVE PROCEDURE**

Date Issued **09/24**

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I. **APPLICATION:**

- SCCCMH Board
- SCCCMH Providers & Subcontractors
- Direct-Operated Programs
- Community Agency Contractors
- Residential Programs
- Specialized Foster Care

II. **PURPOSE STATEMENT:**

St. Clair County Community Mental Health (SCCCMH) requires that performance of labor by residents shall be in accordance with the standards and procedures outlined below.

III. **DEFINITIONS:**

- A. **Facility:** Means a residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or intellectual/developmental disability that is either a state facility or a licensed facility.
- B. **Labor:** Work or training performed in addition to normal housekeeping or work that is a condition of residence in a small group living arrangement. Payments to residents for performance of labor must be made in accordance with federal and state labor laws.
- C. **Resident:** Means an individual who receives services in a facility.

IV. **STANDARDS:**

- A. A resident may perform labor that contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone only if the resident voluntarily agrees to perform the labor, engaging in the labor would not be inconsistent with the resident's individual plan of services, and the amount of time or effort necessary to perform the labor would not be excessive. In no event shall discharge or privileges be conditioned upon the performance of such labor.
- B. A resident 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 and minimum wage reduction provisions.

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- C. A resident who performs labor other than that described in the Standard B shall be compensated an appropriate amount if an economic benefit to another individual or agency results from the resident's labor.
- D. The governing body of the facility may provide for compensation of a resident when the resident performs labor not governed by Standards A-C.
- E. The compensation outlined in Standards A-D does not apply to labor of a personal housekeeping nature or labor performed as a condition of residence in a small group living arrangement.
- F. One-half of any compensation paid to a resident is exempt from collection under the Mental Health Code as payment for services rendered.
- G. Labor deemed therapeutically consistent with the resident's Individual Plan of Services, must be approved by the resident's Treatment Team.
- H. Approval by the Primary Caseholder shall not be denied unless the labor is deemed inconsistent with/counterproductive to the resident's Individual Plan of Services. The SCCCMH Program Director/designee may reverse any denials.
- I. Work and work training for residents or utilizing resident labor shall compliment both the therapeutic needs of the resident and the basic human dignity to which a resident is entitled and be consistent with regulations and policies of the United States Department of Labor, other Federal departments, and the Administrative Rules of the Michigan Department of Health and Human Services (MDHHS).
- J. In approving the performance of labor by residents, the Primary Caseholder may establish standards by which residents perform labor. In no event shall a resident perform labor in excess of six hours per day. Performance of labor by a resident shall not interfere with other ongoing treatment or habilitation programs suitable for the resident.

V. PROCEDURES:

**Resident**

1. Expresses interest in performing labor for the facility in which they reside.
2. Agrees, voluntarily, to perform the labor.

**Primary Caseholder**

3. Ensures that labor performed by a resident is approved and documented in the resident's record.

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- 4. Requires that labor performed by a resident, including personal housekeeping tasks, is in accordance with the standards of MDHHS.

**Facility**

- 5. Documents the labor completed by the resident.
- 6. Compensates the resident for the labor completed by the resident.

VI. REFERENCES:

- A. Michigan Mental Health Code, Section 330.1736

VII. EXHIBITS:

N/A

VIII. REVISION HISTORY:

Dates issued 05/88, 01/91, 05/93, 04/96, 09/97, 08/99, 09/01, 09/03, 08/05, 08/07, 10/09, 01/12, 05/13, 05/14, 05/15, 05/16, 05/17, 09/17, 09/18, 09/20, 09/21, 09/22, 11/23.