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<b>Title</b>	<b>Northern Lakes CMH Policies</b>
<b>Part 106</b>	<b>Supports and Services – NLCMH Provided and Contract</b>
<b>Subpart J</b>	<b>Mental Health Code Protected Recipient Rights</b>
<b>Policy No.</b>	<b>106.1010</b>
<b>Subject</b>	<b>Recipient Labor (RR)</b>

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### **Applicability**

Policy applies to all NLCMH activities, operations and sites and to all Workforce Members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that has elected to adopt and adhere to NLCMH policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

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### **Policy**

Northern Lakes CMH and its contracted providers shall protect a recipient's labor and compensation rights in accordance with the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1736) and this policy.

#### STANDARDS:

- A: The following conditions apply to the performance of labor by recipients in all mental health service settings:
1. All recipient labor shall be voluntary. In no event shall treatment, support, discharge, or other rights or privileges be conditioned upon the performance or non-performance of labor.
  2. Any labor performed by a recipient shall be consented to and consistent with his or her Person-Centered Plan of Services and shall not interfere with other treatment or support provided.
  3. Labor may not be performed by a recipient when the amount of time or effort necessary to perform the labor would be excessive or inconsistent with the recipient's medical or psychiatric condition or his or her functional abilities, when there is inadequate planning, training, or supervision, or when the activity is hazardous as defined under Federal, State or local law.
  4. A recipient may withdraw his/her consent to perform labor at any time.

B: The following additional requirements apply to labor performed by a recipient living in a Specialized Residential facility, Child Caring Institution, Foster Care Home, or Supported Independent Living Arrangement:

1. A recipient shall be compensated for performing any labor that:
  - a. Contributes to the operation and maintenance of a facility, home, or residence for which the facility, home, or Supported Independent Living Provider would otherwise employ someone; or
  - b. Results in economic benefit to another person or the provider.

A recipient will be compensated for work performed in accordance with current applicable state and local labor laws, including minimum wage or, when applicable, minimum wage reduction provisions. In the latter case, such pay will be based upon a work deviation schedule administered by the State Department of Labor.

2. A recipient may perform only the following labor without compensation subject to the conditions established in section A of this policy:
  - a. Labor of a personal housekeeping nature restricted to the resident's personal quarters and property;
  - b. Labor performed as a condition of residence in a small group living arrangement (12 residents or less) in accordance with applicable licensing rules;
  - c. Labor as defined in a Landlord-Tenant Agreement in a Supported Independent Living Arrangement;
  - d. Labor performed for daily living skills training if addressed in the recipient's Person-Centered Plan of Services with clearly identified goals, objectives, and supports.
3. One half of any compensation paid to a resident for labor performed in or for a facility, home, or Supported Living Provider shall be exempt from collection for payment for services provided.

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## Procedures

None.

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**Adoption Date:** May 23, 2006

**Review Dates:**

June 8, 2009

May 14, 2010

**Revision Dates:**

August 31, 2010