

## PATHWAYS CMH

<b>POLICY TITLE:</b> Labor	<b>CATEGORY:</b> Recipient Rights	
<b>EFFECTIVE DATE:</b> July 6, 2005	<b>BOARD APPROVAL DATE:</b> July 6, 2005	
<b>REVIEW DATE:</b> December 30, 2019	<b>REVISION(S) TO POLICY STATEMENT:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> Recipient Rights Supervisor or Designee	<b>CEO APPROVAL:</b> Mary J. Swift, CEO	

**APPLIES TO:**

Employees, volunteers and contractual providers of Pathways CMH

**POLICY:**

It is the policy of the Pathways Board that residents may perform labor and be appropriately compensated, upon voluntary agreement, if it is not inconsistent with the individual plan of service, and the time or effort necessary is not excessive.

The following standards shall be adhered to:

- A. The individual plan of service developed through the person- centered planning process shall include an assessment of the recipient's need for employment opportunities as either desired or required by the recipient.
- B. 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:
  - 1. The resident voluntarily agrees to perform the labor;
  - 2. Engaging in the labor would not be inconsistent with the individual plan of services for the resident;
  - 3. The amount of time or effort necessary to perform the labor would not be excessive;
  - 4. Discharge or privileges shall not be conditioned upon the performance of such labor.
- C. 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.
- D. A resident who performs other types of labor shall be compensated an appropriate amount if an economic benefit to another individual or agency results from his or her labor or if Pathways has determined that a resident should be compensated for the labor.
- E. A resident may be required to perform labor of a personal housekeeping nature or labor performed as a condition of living in the residence without compensation.
- F. One-half of any compensation paid to a resident is exempt from collection as payment for services rendered.
- G. A resident, parent, or guardian may appeal a disapproval of labor by notifying the primary clinician, verbally or in writing, of his or her desire to appeal.

**PURPOSE:**

To protect the rights of recipients

**DEFINITIONS:**

Facility

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

Primary clinician

The staff member in charge of implementing the recipient's plan of service.

**REFERENCES:**

Act 258 of the Public Acts of 1974, as amended (Mental Health Code), Section 100b, 712, 736

**HISTORY:**

Dates Reviewed: May 2008; June 2011; July 11, 2013; July 11, 2014; May 5, 2015; April 19, 2016; April 15, 2017; March 26, 2018; December 30, 2019

Dates Revised: May 2008; June 2011; July 11, 2013

Dates Approved: July 6, 2005

## PROCEDURES

- A. The primary clinician shall:
  - 1. Approve the type of labor performed by the resident;
  - 2. Disapprove labor that is inconsistent with the resident's plan of service;
  - 3. Assure that the resident is voluntarily agreeing to perform the labor.
- B. If labor is disapproved, the primary clinician shall:
  - 1. Explain the reasons to the resident;
  - 2. Document the reasons in the resident's record;
  - 3. Notify the resident about the appeal process;
- C. Appeals
  - 1. If the recipient, parent, or guardian asks for an appeal of a disapproval of labor;
    - a. The primary clinician will request his or her supervisor, or the treatment team to conduct a review;
    - b. The reviewing party will notify the individual of the decision within 14 days, and document it in the recipient's record.
  - 2. If the appellant is dissatisfied, he or she may submit a request to the Chief Executive Officer, verbally or in writing, for a further review;
    - a. The Chief Executive Officer will conduct a review and notify the appellant of the decision within 14 days;
    - b. The Chief Executive Office, or designated primary clinician or supervisor, will document this decision in the recipient's record.