BERRIEN MENTAL HEALTH AUTHORITY
PROCEDURE

SUBJECT: Recipient Labor	SECTION: 01-19-01 Page 1of 2
APPLICATIONS: Directly Operated & Contractual Programs and Inpatient Programs EFFECTIVE DATE: 05/23/96 APPROVED BY: _____ Chief Executive Officer REVISED: 1/99; 3/02, 2/05, 9/11, 7/12	REQUIRED BY: MHC 736, 752; AR 7229 Board Policy 12-02-01

POLICY
It is the policy of Berrien Mental Health Authority (BMHA) to assure that individuals who voluntarily perform labor, which contributes to the operation or maintenance of BMHA, any contractual program or residential setting, shall not be inconsistent with their Person Centered Plan (PCP) or excessive, or they must be properly compensated for their labor. Additionally, in no event shall services, discharge or privileges be conditioned upon the performance of labor.

PURPOSE
To define circumstances for the employment and compensation of work performed by consumers of mental health services and protect people served from exploitation.

STANDARD
One-half of any compensation paid to a recipient under the provisions of this procedure is exempt under the Mental Health Code from collection as payment for services rendered.

DEFINITIONS
Consumer: A person who receives mental health services from BMHA.

Program: A service of BMHA or a Network Provider Agency for the treatment of those who are mentally ill, emotionally disturbed or developmentally disabled.

Provider Network Agency: An agency under contract with the Berrien Mental Health Authority to provide services and/or supports to consumers.

Exploitation: An action by an employee, volunteer, or agent of a provider that involves the misappropriation or misuse of a recipient's property or funds for the benefit of an individual or individuals other than the recipient. (For the purpose of this policy exploitation of a person's dignity or labors is also a misuse that is prohibited.)

PROCEDURE

A) Consumers may perform labor, which contributes to the operation and maintenance of a BMHA direct operated facility, contract program or residential provider for which they would otherwise employ someone only if the following criteria are all met:
   1) The consumer voluntarily agrees to perform the labor.
   2) Engaging in the labor would not be inconsistent with the plan of services/supports and is approved by the person in charge of development of the PCP.
   3) The amount of time or effort necessary to perform the labor would not be excessive.

B) Discharge from a program of BMHA; or a Provider Network Agency; or Residential setting; or any privileges; shall in no event be conditioned upon the performance of labor.

C) A consumer who performs labor, which contributes to the operation and maintenance of any program that would otherwise employ someone (not meeting all criteria in A) or their labor results in an economic benefit to another individual or program shall be compensated appropriately and in accordance with applicable federal and state labor laws, including minimum wage and minimum wage reduction provisions.

D) Labor of a personal housekeeping nature in a facility or labor performed, as a condition of residence in a small group living arrangement when the recipient was advised of the condition prior to admission/placement, does not require payment for those actions.

E) The program may provide for compensation of a consumer when he/she performs labor not governed above.

G) When employment results from an application process for a posted position the Human Resources Department shall process applications and other employment-related activities for consumers in an equal manner as for any other applicants/employees.

H) When the consumer is working, they shall be treated with dignity and respect and equal to any other employee within a similar job classification.

I) One-half of any compensation paid to a recipient under the provisions of this procedure is exempt under the Mental Health Code from collection as payment for services rendered.

J) Situations of vulnerable persons suspected of being exploited shall be reported to the Office of Recipient Rights, the DHHS Adult/Child Protective Services and Licensing Agent if the exploitation occurs in a licensed facility, immediately.

FORMS: None

Reviewer: Office of Recipient Rights
Reviewed: 5/07, 3/08, 3/09, 6/10, 9/11, 7/12, 7/13, 4/14, 7/15, 6/16, 4/17, 7/18, 5/19, 4/2020, 9/2021, 7/2022, 8/2023, 8/2024, 8/2025