



FOR IMMEDIATE RELEASE

Egyptian Regional Human Rights Authority
Report of Findings
08-110-9040
Chester Mental Health Center
August 26, 2008

The Egyptian Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation concerning Chester Mental Health Center, a state-operated mental health facility located in Chester. The facility, which is the most restrictive mental health center in the State, provides services for approximately 300 male residents. The specific allegation is as follows:

Recipients are required to perform work without being paid for their services.

Statutes

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2-106). The Illinois Administrative Code for Department of Human Services facilities (59 Ill. Admin. Code 108.60) is also relevant to the allegation.

Section 5/2-106 of the Code states, “A recipient of services may perform labor to which he consents for a service provider, if the professional responsible for overseeing the implementation of the services plan for such recipient determines that such labor would be consistent with such plan. A recipient who performs labor which is of any consequential economic benefit to a service provider shall receive wages which are commensurate with the value of a work performed, in accordance with applicable federal and state laws and regulations. A recipient may be required to perform tasks of a personal housekeeping nature without compensation. Wages earned by a recipient of services shall be considered money which he is entitled to receive pursuant to Section 2-105, and such wages shall be paid by the service provider not less than once a month.”

Section 108.60 of the Administrative Code states, “a) A vocational program consisting of organized instruction experiences, training, and resource programs shall be provided to recipients in accordance with their needs and as determined by the educational component of the individual treatment or habilitation plan. b) Provision of a vocational program to individual recipients shall be determined at the treatment or habilitation multi-disciplinary conference, or at subsequent conference convened for this specific purpose.”

Investigation of Allegation

To investigate the allegation, the HRA Investigation Team (Team), consisting of two members and the HRA Coordinator (Coordinator), conducted a site visit at the facility. During the visit the Team spoke with three recipients and the Chairman of the facility's Human Rights Committee (Chairman) about the allegation. A recipient's 09/12/07 and 10/10/07 Treatment Plan Reviews (TPRs) were examined. The HRA also reviewed the facility Housekeeping Program Course Sequence and the curriculum associated with the training program.

Interviews:

Recipient I

When the Team spoke with Recipient I concerning the allegation, he stated that he was enrolled in a housekeeping class that provided training in appropriate cleaning and care of upholstery. He informed the Team that he was required to clean upholstery during the class period; however, the requirement was not extended outside of the class period. He stated that the work completed during the class period is a benefit to the facility; however, recipients are not paid for their labor.

Recipient II

Recipient II stated that he was not enrolled in any type of housekeeping class, and he had not been required to perform labor without payment.

Recipient III

Recipient III informed the Team that he was not enrolled in a housekeeping class, had not been required to work without being paid, and was not aware of any other recipient who had been required to work without compensation.

Chairman

According to the Chairman, the facility has a series of housekeeping programs designed to provide educational experiences that will assist recipients in developing basic housekeeping skills and competencies. The skills taught in the classes are those needed in entry-level positions of employment, which might be beneficial to recipients in obtaining employment after being discharged from the facility. He stated that the curriculum is for training purposes only and does not serve as an economic benefit for the facility.

Record Review:

The HRA reviewed Recipient I's TPRs for 09/12/07 and 10/10/07 with his written authorization. According to the recipient's 09/12/07 TPR, he was enrolled in the following classes: music, homemaking, horticulture, art therapy, general office, post GED, and ceramics. Documentation indicated that he was dropped from the commercial housekeeping class per his request. According to the recipient's 10/10/07 TPR, he requested to be released from three additional classes during the reporting period from 09/12/07 to 10/10/07. Documentation indicated that he sent a letter to his case manager requesting that he be dropped from music

appreciation, ceramic, and homemaking and was granted the request. The record indicated that he continued to be enrolled in horticulture, general office, GED and art classes. However, his attendance rate in general office, GED and art classes were listed as 0%.

Housekeeping Program Documentation:

Documentation indicated that the Housekeeping Program is a sequence of courses planned to provide educational experiences that assist students in developing housekeeping competencies needed for employment in businesses such as hotels, motels, schools, government facilities, retail outlets, residential sites and/or specialized environments.

According to the housekeeping program course sequence, recipients are provided with a series of four classes. The classes are listed as follows: CH 100-Orientation to Housekeeping, CH 205-Housekeeping I, CH 210-Housekeeping II and CH 300-Supervised Community and Facility Management Occupation Experience.

Documentation indicated that CH 100-Orientation to Housekeeping is a course that presents an introduction to careers in housekeeping and the workplace skills, which are needed for successful employment in the field. Safety, health, sanitation, security and human development principles are also introduced in the curriculum. Basic tools, supplies and equipment are identified and key vocabulary terms are explained. The record indicated that this course covers all of the background information and prerequisite knowledge needed to prepare a recipient to learn specific occupational competencies.

The CH 205-Housekeeping I class introduces basic safety procedures, accident/emergency responses, security procedure and reviews, and Material Safety Data Sheets. Students are provided with the opportunity to develop the competencies needed for employment in a variety of community and facility management services occupations. The following instructional areas are included in the class curriculum: performing general cleaning activities, following ethical standards, organizing work procedures, and maintaining and using equipment and supplies. Strong emphasis is placed throughout the course on decision making, handling emergencies, complying with state and federal regulations, and adapting the scope and style of services to the employer's needs.

Competencies taught in Housekeeping I are reinforced in CH 210-Housekeeping II. This course focuses on specialized cleaning procedures and equipment utilization. Stripping, waxing, shampooing, sanitizing, upholstery care, window treatment care, buffing, steam cleaning, preparation of cleaning solution according to specifications, and laundry/linen room activities are some of the specialized cleaning procedures taught in the curriculum. An integral part of the course is listed as development of interpersonal relationships, working with and assisting others, and decision-making.

The last in the series, CH-300-Supervised Community and Facility Management Occupational Experience, allows for realistic occupational experience opportunities at work

sites, including work within the facility as well as specialized environments. Experience under direct supervision allows the student to practice and apply skills and to experience the demands of employment.

Summary

According to the complaint, recipients are required to work without receiving monetary compensation for their work. When the HRA spoke with three recipients at the facility, one of the recipients (Recipient I) stated that he was required to clean upholstery while he was enrolled in a housekeeping class. He informed the HRA Team that he was not paid for the work that he performed during the class activity. However, he was not requested to clean upholstery or perform any other job duties outside the class. Neither Recipient II nor Recipient III expressed any problems with being required to work without receiving monetary compensation. Both recipients denied being enrolled in any type of housekeeping class. When the HRA reviewed Recipient I's 09/12/07 TPR, the record indicated that the recipient had been enrolled in a housekeeping class; however, he had made a decision to drop the class. Additional documentation in the recipient's October 2007 TPR indicated that the recipient had requested to be released from three additional classes, and that request was honored. Documentation indicated that the facility has a series of housekeeping classes that are designed to assist recipients in developing skills needed for employment.

Conclusion

Based on the information obtained during the course of the investigation, the Authority does not substantiate a rights violation. The Authority acknowledges the importance of the facility providing training to assist recipients in acquiring skills that might assist them in obtaining gainful employment upon discharge. The Authority has determined that the services that recipients performed while in the housekeeping class were not of any consequential economic benefit to the facility per 5/2-106 of the Code, but were a part of recipients' habilitation process. Therefore, the allegation that recipients are required to perform work without being paid for their services is unsubstantiated. No recommendations are issued.