

*Dr. Johnson*

M E M O R A N D U M

TO: Program Committee

FROM: O. D. Berg, Director of Rehabilitation Therapies

DATE: September 30, 1969

SUBJECT: Faribault State Hospital Work Activity Center

I. PURPOSE

The primary purpose of any work training program should be to evaluate each referred individual's vocational potential and identify his vocational abilities. It should provide vocational experience in a controlled environment. The Work Activity Center at Faribault State Hospital will provide these services by engaging in sub-contract work: the manufacture, processing and repairing of goods, wares and merchandise for the purpose of providing therapy, training and evaluation of our residents. Revenue received from the processing of sub-contracts, will be used to pay residents according to their productivity, purchase of equipment and supplies, and pay other expenses essential to the operation of the program. This is done in strict compliance with the Work Activity Law.

The chief function of the Work Activity Center is to provide for an accurate evaluation of the employment potential of the assigned resident, and to give him experience in a variety of work and supervisory situations. The curriculum of the Work Activity Center provides these functions through a highly organized system of sub-contract procurement and completion. Work experiences are planned to progress through a graded series of job levels (sub-contract operations). The jobs are graded from those which are the simplest to those which are the most complex. They are also graded from those which require little or no supervision to those which require almost constant guidance and supervision. Production standards are established for each level. This enables the evaluators to determine the resident's progress. It is emphasized that the resident's readiness to move to a successfully higher job level is determined by his or her meeting and/or surpassing production standards at each preceding level. If the resident fails to meet the production standards for any level he must be retained at that level until he does meet those standards.

II. DEVELOPMENT OF THE WORK ACTIVITY CENTER AT FARIBAULT STATE HOSPITAL

The development of the Work Activity Center has been according to strict adherence of the newly enacted bill relating to the establishment of work activity programs in Minnesota State institutions for the mentally ill and mentally retarded. This bill was enacted by the Legislature of the State of Minnesota in February, 1969. This bill reads as follows:

"Section 1. (PRE-VOCATIONAL TRAINING FOR PATIENTS: ADMINISTRATION) Subdivision 1. The commissioner of public welfare is hereby authorized to establish, subject to the approval of the commissioner of education, within the state institutions for the mentally ill and mentally retarded, work activity programs for the manufacture, processing and repairing of goods, wares, and merchandise for the purpose of providing therapeutic work activities for patients and residents.

Subdivision 2. The work activity programs authorized herein shall be planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make productive capacity inconsequential. The activities within this program shall conform to the rules and regulations relating to work activity centers promulgated by the United States Department of Labor. To accomplish the foregoing purpose the commissioner of public welfare shall have the power and authority to:

- a. use the diversified labor fund established by Laws 1945, Chapter 575, Section 19, to purchase equipment and remodel facilities of the institution referred to in subdivision 1 to initiate the work activity program,
- b. formulate a system of records and accounts which shall at all times indicate the extent of purchases, sales, wages, and bidding practices and which shall be open to public inspection.

The commissioner of public welfare shall, subject to the approval of the commissioner of education, have the power and authority to:

- a. create a work activity center revolving fund for the purpose of receiving and expending moneys in the operation of the said programs,
- b. contract with public or private industries for the manufacture, repair, or assembling of work according to standard bidding practices,
- c. use the revenue from the operation of said programs to pay wages to patients and residents according to their productivity, purchase equipment and supplies and pay other expenses necessary to the operation of said programs,
- d. establish an advisory committee consisting of representatives from the departments of health, education, and public welfare, labor and business groups, interested community agencies, including but not limited to the Minnesota Association of Rehabilitation Facilities, the Minnesota Association for Retarded Children, and the Minnesota Association for Mental Health, and the general public. This committee will act in an advisory capacity with respect to the scope of work activity programs, the nature of the goods to be produced and services to be performed in such programs,
- e. utilize all available vocational rehabilitation services and encourage the integration of the work activity program into existing vocational rehabilitation and community based programs, so that the work activity program will neither duplicate nor unfairly compete with existing public or private community programs."

Based on the fact that we must encompass all aspects of the bill in the development of the Work Activity Center at Faribault State Hospital, the Director of Rehabilitation Therapies has appointed Mr. James Finnegan as the Work Activity Center Director. He will assume complete responsibility for administrative operation of the Work Activity Center and must work closely with Mr. Thurber, Business Manager. The appointment of a director enables the program to be organized in a manner which provides for levels of responsibility for effective implementation of the Work Activity Law and conform to rules and regulations relating to work activity centers promulgated by the United States Department of Labor.

Labor Department Ruling G-847, dated November 15, 1968 by the United States Department of Labor, Wage and Hours and Public Contracts Division, Washington, D.C., provides for the following:

"Coverage - The 1966 Amendments to the Fair Labor Standards Act, effective February 1, 1967, provided for application of the act to hospitals and institutions primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such hospitals or institutions (regardless of whether or not they are public or private or operated for profit or not for profit). Workshops and other types of work programs operated by hospitals and institutions are considered to be within the coverage of the act.

Employment of Patients in Work Programs - Pending authoritative rulings of the courts, the Department of Labor will not assert that initial participation of patients in a work program constitutes an employment relationship if the following conditions are met:

1. The tasks performed by the patient are part of a program of activities which have been determined, as a matter of medical judgement, to have therapeutic or rehabilitative value in the treatment of the patient, and
2. The patient does not displace a regular employee or impair the employment opportunities of others by performing work which would otherwise be performed by regular employees who would be employed by the hospital or institution or an independent contractor, including, for example, employees of a contractor operating the food service facilities.

After placement in the workshop, on a job in the hospital or institution, or in another establishment, an employment relationship will ordinarily develop and the provisions of the Fair Labor Standards Act will become applicable. This shift to an employment relationship may come shortly after placement or it may occur later. As a general guide, work for a particular employer, whether the hospital, institution, or another establishment, after 3 months will be assumed by the Wage and Hour and Public Contracts Divisions to be part of an employment relationship unless the employer can show the contrary.

Where placements are made with successive employers for short periods of time, it is not expected in the ordinary course that such placements will be very long with a particular employer. As a general guide, work for successive employers for short periods of time after a total of 6 months will be assumed by the Wage and Hour and Public Contracts Divisions to be part of an employment relationship unless it can be shown to the contrary. When the employment relationship has developed, the applicable statutory minimum must be paid except where special minimum wages below the statutory minimum are authorized by the Wage and Hour and Public Contracts Divisions.

Statutory Minimum Wages - The minimum wage is \$1.60 an hour for employment subject to the act before the 1966 amendments. The minimum wage for employment made subject to the act by the 1966 amendments (which includes work in covered hospitals and institutions) is now \$1.15 an hour, advancing to \$1.30 on February 1, 1969, and except for employment in agriculture advancing to \$1.45 on February 1, 1970, and to \$1.60 on February 1, 1971.

Certificates Authorizing Rates Below the Statutory Minimum - The Wage and Hour and Public Contracts Divisions' regional and district offices may issue certificates authorizing special minimum wages below the statutory minimum under 29 CFR Part 524 and Part 525 for employment of handicapped workers in competitive employment and in sheltered workshops, respectively. Application forms and instructions for completion of such forms may be obtained from the regional or district office of the Wage and Hour and Public Contracts Divisions which serves the area in which the establishment or institution is located."

It is anticipated that this law will be enforced after January, 1970. We are given some flexibility at the present time merely to gain experience in implementation and operation of programs under guidelines of this law.

### III. LOCATION OF FARIBAULT STATE HOSPITAL WORK ACTIVITY CENTER

The Faribault State Hospital Work Activity Center is located in the basement of Hickory Building. The area was formerly the recreation room on the North side of the basement. The hours of operation are from 8:30-11:30 a.m. and 1:00-4:00 p.m.

### IV. CLIENTELE AND METHODS OF REFERRAL

Residents will be referred by the Unit Team, based on previous medical, psychological, social and vocational records. Males and females between the ages of 16 and 55 years of age are eligible. However, it is emphasized that the younger age residents would receive priority. Referrals should be made based on the following criteria: (1) when a resident's real work performance is not definitely known, or, (2) residents who have work deficiencies such as the lack of day to day responsibilities required to hold down a job, and (3) young residents over 16 years of age who have had little contact with formal work programs, should be referred to the Work Activity Center.

It shall be the responsibility of the Work Activity Center team to decide on acceptance or rejection of referred client and furnish a written report of acceptance or reasons for non-acceptance to the initiating team. It is imperative that D.V.R. be informed at all times of the new referrals to the Work Activity Center and their progress.

Based on past experience, failure of our resident to adjust to a community placement is not necessarily their inability to work and hold a job, but rather their failures to adjust in social attitudes and behavior. Each resident must be considered on an individual basis with his or her program tailored to meet their individual needs. In most cases the residents must obtain not only work evaluation and training, but related instruction in the areas of grooming, personal attitude, social attitude, health, safety, community relations, job orientation, family living and various remedial subject matter as indicated. Therefore it is the unit team's responsibility to program for the total needs of the resident.

### V. EVALUATION

Each client upon acceptance by the Work Activity Center team shall be evaluated initially and on a regular basis to determine his or her aptitude, interests, capabilities, capacities, skills, and general level of vocational functioning. A complete report of the Work Activity Center findings and recommendations for supportive programs and services shall be available to the unit following the evaluation period. It is the program desire to develop an effective system of progress reporting to insure communication to the unit team on the up-to-date functioning of the referred individual.

It is the Work Activity Center team's responsibility to refer individual clients back to the unit team. It is the unit team's responsibility to consider further programming at Faribault State Hospital or refer the resident to D.V.R. for their services.

VI. SUMMARY

It is the desire of the Vocational Rehabilitation Section of the Rehabilitation Therapies Department in cooperation with other Sections of Rehabilitation Therapies and other hospital services to provide as complete a vocational program as is humanly possible or feasible for the residents at Faribault State Hospital.

It is hoped that the Work Activity Center will provide a significant contribution in the area of vocational training and evaluation.

ODE/ls

WORK ACTIVITY CENTER  
FARIBAULT STATE HOSPITAL

WEEKLY PROGRESS AND EVALUATION REPORT

Residents Name: \_\_\_\_\_  
Period Covered: \_\_\_\_\_ 19 \_\_\_\_ to \_\_\_\_\_ 19 \_\_\_\_  
Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

1. Attendance: Absent \_\_\_\_\_ Days \_\_\_\_\_  
Reason: \_\_\_\_\_  
Tardy \_\_\_\_\_ Times \_\_\_\_\_  
Reason: \_\_\_\_\_
2. Attitude: Enthusiastic \_\_\_\_\_ Cooperative \_\_\_\_\_  
Indifferent \_\_\_\_\_ Noncooperative \_\_\_\_\_  
Improving \_\_\_\_\_ Not Improving \_\_\_\_\_
3. Personal Habits and Appearance: Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_  
Improving \_\_\_\_\_ Not Improving \_\_\_\_\_
4. Social Relationships: Acceptable \_\_\_\_\_ Not Acceptable \_\_\_\_\_  
Improving \_\_\_\_\_ Not Improving \_\_\_\_\_
5. Initiative: Interested \_\_\_\_\_ Indifferent \_\_\_\_\_  
Improving \_\_\_\_\_ Not Improving \_\_\_\_\_
6. Supervision: Amount Required \_\_\_\_\_ Type \_\_\_\_\_  
(Frustration Tolerance) Reaction \_\_\_\_\_  
Constant \_\_\_\_\_ Authorative \_\_\_\_\_ Accepts \_\_\_\_\_  
Frequent \_\_\_\_\_ Supportive \_\_\_\_\_ Resists \_\_\_\_\_  
Limited \_\_\_\_\_ Critical \_\_\_\_\_ None \_\_\_\_\_  
Improving \_\_\_\_\_ Not Improving \_\_\_\_\_
7. Perseverance: Completes work \_\_\_\_\_ Requires Prodding \_\_\_\_\_  
Gives up \_\_\_\_\_  
Improving \_\_\_\_\_ Not Improving \_\_\_\_\_
8. Inter-personal Characteristics: Friendly Yes \_\_\_\_\_ No \_\_\_\_\_  
Self-Confident Yes \_\_\_\_\_ No \_\_\_\_\_  
Trustworthy Yes \_\_\_\_\_ No \_\_\_\_\_  
Learns Task Yes \_\_\_\_\_ No \_\_\_\_\_  
Follows Instruction Yes \_\_\_\_\_ No \_\_\_\_\_  
If any "no's," explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Quality of Work:

Adequate \_\_\_\_\_ Not Adequate \_\_\_\_\_

Improving \_\_\_\_\_ Not Improving \_\_\_\_\_

If not adequate or improving, explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10. Quantity of Work:

Adequate \_\_\_\_\_ Not Adequate \_\_\_\_\_

Improving \_\_\_\_\_ Not Improving \_\_\_\_\_

If not adequate or improving, explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Recommendations and/or Comments: