§ 33.09 Employment of patients.

(a) The department shall encourage employment of patients as part of therapeutic, community care, or release programs and shall promote training of patients for gainful employment. The commissioner shall adopt regulations to further the purposes of this section.

(b) A patient employed by a facility shall receive compensation for his services in accordance with applicable state and federal labor laws. Any such employment shall be subject to regulations of the commissioner as to the nature and circumstances of the employment.

(c) The provisions of the workers' compensation law, the unemployment insurance law, and articles thirteen, nineteen, and twenty of the labor law shall not apply to any patient in a facility with respect to his participation in a sheltered workshop program, provided, however, that participants in sheltered workshop programs operated by the office of mental health, the office for people with developmental disabilities or voluntary agencies or institutional worker programs operated by the office of mental health shall be eligible for workers' compensation benefits (excluding benefits provided pursuant to article nine of the workers' compensation law) if such offices or agencies elect to provide such benefits. Sheltered workshops operated at department facilities shall be subject to the laws and regulations applicable to sheltered workshops operated by voluntary agencies.