



Montana Department of LABOR & INDUSTRY

1 **Division: Workforce Services Division**
2 **Category: Business Services**
3 **Effective Date: 11/20/2017**
4 **Last Revised: 10/01/2022**
5 **Policy No.: 06-16**

6 Day Job Policy

7 **Background:** Previously, Job Service Policy C1.30 defined “spot jobs” such as lawn mowing, house
8 cleaning, and snow shoveling for private citizens. Because these positions did not cover job seekers with
9 Unemployment or Workers’ Compensation Insurance, Policy C1.30 prohibited these types of jobs from being
10 posted on bulletin boards in local Job Service offices. Policy C1.30 did not address spot jobs such as
11 participation in research or the donation of blood or plasma required by a business entity that did not provide
12 Unemployment or Workers’ Compensation Insurance. This policy will replace the section of Policy C1.30 that
13 had previously addressed spot jobs.

14 A variety of terms have been used to refer to these types of employment: day jobs, spot jobs or casual
15 employment. For the purpose of using common terms, these types of employment will now be referred to as day
16 jobs.

17 **Scope:** This policy applies to all Job Service Montana staff and other WSD staff who post job orders; Job
18 Service Montana office managers and supervisors; and Montana’s Labor Exchange system. This policy also
19 applies to all businesses. This policy is effective October 1, 2022.

20 Definitions:

- 21 • A day job is employment for an individual’s private or personal household or employment that is
22 occasional, incidental, or irregular. If the employment is part of an employer’s business for a definite
23 time such as a week, a month, or longer, it is not a day job.
- 24 • Day jobs include “menial chores” such as lawn mowing and sidewalk clearing, where the employment is
25 for an individual’s private household.
- 26 • Day jobs also include positions which require participation in research or the donation of blood or
27 plasma that may be performed on a random basis.

28 Policy:

- 29 • Job Service Montana offices may establish a list or board of jobs that meet the definition of “day job.”
- 30 • Day jobs are not business ventures or jobs that are or could be posted using Montana’s Labor Exchange
31 system.
- 32 • Independent Contractor jobs, also known as “contract jobs” or “1099 jobs,” may not be posted on the
33 day job board.
- 34 • Job Service Montana offices will commit to regular monitoring of the day job board to ensure customers
35 are not placing inappropriate jobs or messages on the day job board.

- 36 • Jobs such as yard work, snow shoveling, and house cleaning for an individual's private, personal
- 37 household are generally exempt from the requirement to provide Workers' Compensation and
- 38 Unemployment Insurance Coverage and therefore can be considered a day job.
- 39 • Opportunities posted on the day job board do not have a requirement to pay minimum wage or overtime
- 40 as these work arrangements are usually exempt from the payment of minimum wage and overtime.

41 **References:**

- 42 • [MCA 39-71-401\(2\) Exemptions to Workers' Compensation Coverage](#)
- 43 • [MCA 39-51-204 Exclusions from definition of employment](#)
- 44 • [MCA 39-3-406 Minimum Wage Exclusions](#)