



Montana Department of LABOR & INDUSTRY

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

7 Day Job Policy

8 **Background:** Previously Job Service Policy C1.30 defined spot jobs such as lawn mowing, house cleaning
9 and snow shoveling for private citizens. Because these positions did not cover job seekers with Unemployment
10 or Workers' Compensation Insurance, Policy C1.30 prohibited these types of jobs from being posted on bulletin
11 boards in local Job Service offices. Policy C1.30 did not, however, address spot jobs such as research
12 participation, blood or plasma donation for a business entity that would not provide Unemployment or Workers'
13 Compensation Insurance. A variety of terms have been used to refer to these types of employment; terms used
14 have been day jobs, spot jobs or casual employment. For purposed of using common terms all of these types of
15 employment will now be referred to as day jobs. This policy will replace the section of Policy C1.30 that had
16 previously addressed spot jobs.

17 **Scope:** This policy applies to all Job Service staff and other WSD staff posting job orders, Job Service
18 office managers and supervisors, CORE Team members and jobs.mt.gov users. This policy also applies to all
19 businesses whether or not they are registered with Job Service. This policy is effective December 21, 2016.

20 Definitions:

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- 22 • A day job is for an individual's private or personal household or employment that is occasional or
23 incidental, or employment which comes without regularity. If the employment is part of an employer's
business for a definite time, as for a week, or month, or longer it is not a day job.

24 Policy:

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- 26 • One Stop Centers may establish a list or board of day jobs that meet all of the following stipulations:
 - 27 ○ Jobs for business ventures or jobs listed in MWorks may not be posted on the day job board;
 - 28 ○ Day jobs posted on the day job board are for "menial chores" such as lawn mowing and
sidewalk clearing, where the employment is for an individual's private personal household;
 - 29 ○ Day jobs may also be posted for research participation or blood and plasma donation;
 - 30 ○ Independent Contractor jobs may not be posted on the day job board; and
 - 31 ○ There must be a commitment by the One Stop Center to regular monitoring of the day job board
32 to ensure customers are not placing inappropriate jobs or messages on the day job board.
 - 33 • Jobs such as yard work, snow shoveling, and house cleaning for an individual's private, personal
34 household are generally exempt from the requirement to provide Workers' Compensation and
35 Unemployment Insurance Coverage and therefore can be considered as a day job.
 - 36 • Research participation, blood or plasma donation or other services a job seeker may perform on a
37 random basis for an entity that could be or is registered a business can also be considered as day jobs.

- 1 • Opportunities posted on the day job board do not have a requirement to pay minimum wage or overtime
- 2 as these work arrangements are usually exempt from the payment of minimum wage and overtime.
- 3 • A job opportunity that has the potential to be posted in Montana’s Labor Exchange database shall not
- 4 be posted on the day job board.

5 **References:**

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