



# Montana Department of LABOR & INDUSTRY

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2 **Division: Workforce Services Division**  
3 **Category: Business Services**  
4 **Effective Date: 11/20/2017**  
5 **Last Revised: 12/20/2018**  
6 **Policy No.: 06-16**

## Day Job Policy

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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 address spot jobs such as participation in research or  
12 the donation of blood or plasma required by a business entity that did not provide Unemployment or Workers'  
13 Compensation Insurance. A variety of terms have been used to refer to these types of employment: day jobs,  
14 spot jobs or casual employment. For the purpose of using common terms, these types of employment will now  
15 be referred to as day jobs. This policy will replace the section of Policy C1.30 that had previously addressed  
16 spot jobs.

17 **Scope:** This policy applies to all Job Service Montana staff and other WSD staff posting job orders, Job  
18 Service Montana office managers and supervisors, CORE Team members, and MontanaWorks.gov users. This  
19 policy also applies to all businesses whether or not they are registered with Job Service. This policy is effective  
20 January 22, 2019.

### 21 Definitions:

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

### 29 Policy:

- 30 • Job Service Montana offices may establish a list or board of jobs that meet the definition of "day job."
- 31 • Day jobs are not for business ventures or jobs listed on MontanaWorks.gov.
- 32 • Independent Contractor jobs may not be posted on the day job board.
- 33 • Job Service Montana offices will commit to regular monitoring of the day job board to ensure customers  
34 are not placing inappropriate jobs or messages on the day job board.
- 35 • Jobs such as yard work, snow shoveling, and house cleaning for an individual's private, personal  
36 household are generally exempt from the requirement to provide Workers' Compensation and  
37 Unemployment Insurance Coverage and therefore can be considered a day job.

- 38 • Opportunities posted on the day job board do not have a requirement to pay minimum wage or overtime
- 39 as these work arrangements are usually exempt from the payment of minimum wage and overtime.
- 40 • A job opportunity that could be posted in Montana’s Labor Exchange system will not be posted on the
- 41 day job board.

42 **References:**

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