Day Job Policy

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

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

Scope: This policy applies to all Job Service Montana staff and other WSD staff posting job orders; Job Service Montana office managers and supervisors; and MontanaWorks.gov users. This policy also applies to all businesses. This policy is effective October 1, 2021.

Definitions:

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

Policy:

• Job Service Montana offices may establish a list or board of jobs that meet the definition of “day job.”
• Day jobs are not for business ventures or jobs listed on MontanaWorks.gov.
• Independent Contractor jobs may not be posted on the day job board.
• Job Service Montana offices will commit to regular monitoring of the day job board to ensure customers are not placing inappropriate jobs or messages on the day job board.
• Jobs such as yard work, snow shoveling, and house cleaning for an individual’s private, personal household are generally exempt from the requirement to provide Workers’ Compensation and Unemployment Insurance Coverage and therefore can be considered a day job.
• Opportunities posted on the day job board do not have a requirement to pay minimum wage or overtime as these work arrangements are usually exempt from the payment of minimum wage and overtime.

• A job opportunity that could be posted in Montana’s Labor Exchange system will not be posted on the day job board.

References:

• MCA 39-71-401(2) Exemptions to Workers’ Compensation Coverage
• MCA 39-51-204 Exclusions from definition of employment
• MCA 39-3-406 Minimum Wage Exclusions