

# HAVE AN LLC? GOT A 1099? SIGNED A CONTRACT?

## YOU STILL MAY BE AN EMPLOYEE WITH RIGHTS!

- Are you told where to work?
- Are your work hours set by someone else?
- Are you told what work to do and/or how to do it?
- Are the tools or materials for the work provided by someone else?

Your employer may be misclassifying you —  
and **you may be missing out on  
money and benefits.**

**Note:** Employee status is based on a combination of factors.  
Different laws use different tests to determine employee status.  
No one factor is determinative.

## Questions? Contact us - it's free.

scan here



410-767-2342  
410-767-2510 (ayuda en español)



[workrights@maryland.gov](mailto:workrights@maryland.gov)



[labor.maryland.gov/workrights](https://labor.maryland.gov/workrights)



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# EMPLOYEE VS. INDEPENDENT CONTRACTOR: WHAT'S THE DIFFERENCE?

| Employee                                                                | Independent Contractor / 1099                                                                  |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Overtime pay for extra hours worked                                     | No overtime pay                                                                                |
| Minimum wage of at least \$15/hr                                        | No minimum wage or rights under wage laws                                                      |
| Pay at least twice a month                                              | No required regular payday                                                                     |
| Eligible for paid sick leave                                            | No paid sick leave                                                                             |
| Eligible for unemployment compensation during layoff                    | Not eligible for unemployment benefits                                                         |
| Protected by worker safety and health laws                              | No safety protection                                                                           |
| Eligible for workers' compensation for on-the-job injury or illness     | No workers' compensation benefits                                                              |
| Employer must pay into Social Security and Medicare for future benefits | No credit for Social Security or Medicare benefits in retirement (unless you pay for yourself) |

**Pay. Leave. Employment rights.**  
**We can help.**



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