THE 1099 TRAP

1099 Red Flag Checklist

A practical worksheet for spotting contractor misclassification warning signs and organizing what to review next.

Use this before you panic, quit, confront anyone, or call a lawyer. Start by getting the facts organized.

Educational worksheet only. Not legal, tax, or financial advice.

Before You Use This

This checklist helps you spot issues. It does not tell you whether you have a legal claim.

Important: Do not use this worksheet as a substitute for advice from a qualified employment attorney, tax professional, or government agency.

- This material is for educational and organizational purposes only.
- It is not legal advice, tax advice, financial advice, or a promise that you have a claim.
- Worker classification depends on specific facts, applicable law, written agreements, payment records, business practices, and evidence.
- Do not secretly record calls or conversations unless you have confirmed the recording laws in your state.
- Do not alter, crop, delete, or rewrite evidence. Save originals whenever possible.

What this worksheet can help you do

- Identify red flags in plain English.
- Separate facts from feelings.
- Start a timeline.
- List proof you already have.
- Prepare better questions for a professional consultation.

Rule: The more organized your facts are, the easier it is for a professional to understand what happened.

How to Use This Checklist

Do not rush the answers. The pattern matters more than one single bad text or one frustrating day.

1. Check every box that matches your work situation.
2. Circle the strongest examples you can prove.
3. Write down where the proof lives: texts, email, calendar, pay records, screenshots, contracts, or witnesses.
4. Use the score page as a starting point, not a final conclusion.
5. Bring the completed checklist to a qualified professional if the red flags are serious.

Quick notes

Your name: ____________________

Work/company name: ____________________

Date range reviewed: ____________________

Main role/duties: ____________________

Red Flags: Control and Schedule

Check what applied to you. Add notes if the issue happened repeatedly or was documented.

Schedule control

- [ ] I was expected to work specific days or hours.
- [ ] I had to ask permission to take time off or change availability.
- [ ] I was expected to be available even when not officially scheduled.
- [ ] I received work texts/calls before normal business hours.
- [ ] I received work texts/calls after normal business hours.
- [ ] I was expected to respond quickly like an employee.

Task control

- [ ] Someone assigned my daily or weekly tasks.
- [ ] Someone supervised how I performed the work.
- [ ] I was trained or corrected like staff.
- [ ] I could not freely reject assignments without consequences.
- [ ] I was used for core business operations, not a separate outside project.

Strong proof examples: written schedules, recurring task lists, calendar invites, texts saying you must be available, or messages assigning work outside normal hours.

Red Flags: Business Independence

A real independent contractor usually has more control over how the work is run.

Independence and business reality

- [ ] I did not advertise these services to the public as my own business.
- [ ] I worked mostly or only for this person/company.
- [ ] I did not negotiate each project or scope of work.
- [ ] I was paid a regular amount like payroll instead of project-based invoices.
- [ ] I used their systems, email, software, tools, office, vehicle, or equipment.
- [ ] I could not hire someone else to complete the work for me.
- [ ] I had little chance to increase profit through business decisions.
- [ ] I had little real risk of business loss.
- [ ] The work I did was necessary to their regular business operations.

Notes

Red Flags: Pay, Taxes, and Retaliation

These issues can be serious. Document dates, exact words, and payment records.

Pay and tax treatment

- [ ] I received a 1099 but was treated like staff.
- [ ] Taxes were not withheld, but the company controlled the work.
- [ ] I was not paid for all hours worked.
- [ ] I worked over 40 hours in a week without overtime pay.
- [ ] Commissions, bonuses, reimbursements, or promised pay were missing or changed.
- [ ] I was paid late or had to chase payment.

Possible retaliation warning signs

- [ ] Things changed after I questioned pay, taxes, hours, classification, or rights.
- [ ] I was threatened, disciplined, isolated, or given worse treatment after speaking up.
- [ ] My hours, duties, pay, access, or opportunities changed after I raised concerns.
- [ ] I was terminated after asking questions or objecting to something improper.

Write down the timeline: what you said, when you said it, who heard it, and what changed afterward.

Your Red Flag Snapshot

Count your checked boxes. This score is not a legal conclusion - it is an organization tool.

0-5 checked boxes	Fewer visible red flags. Still save documents if something feels off.
6-12 checked boxes	Moderate red flags. Start organizing evidence and timelines.
13+ checked boxes	Serious pattern possible. Consider professional review before taking major action.

My total checked boxes

Top 3 strongest facts I can prove

1.
2.
3.

Evidence Starter Log

Use one row per text, email, call, calendar event, pay issue, or incident.

Date	Time	Person	What happened / exact words	Category	Proof saved?

Tip: Save the original message thread when possible, not only a cropped screenshot. Cropped screenshots can lose context.

Save Proof So You Can Find It Later

Messy evidence becomes expensive and stressful. Use a simple file naming system from the start.

Suggested file name format

YYYY-MM-DD_person_category_short-description

Examples

- 2026-06-10_boss_after-hours-task_742pm.png
- 2026-06-11_company_pay-question_no-response.pdf
- 2026-06-12_manager_schedule-control_text-thread.png
- 2026-06-13_payroll_missing-commission_email.pdf

Next steps

- Export or save full message threads where possible.
- Back up documents in at least two places.
- Keep a simple timeline of events.
- Do not delete messages, even if they are embarrassing or emotional.
- Do not confront anyone based only on this worksheet. Get advice first if the situation is serious.

Remember: facts, dates, documents, and patterns matter. Screenshots without context are weaker than organized evidence.

One-Page Consultation Prep

Fill this out before speaking with an attorney, tax professional, agency, or trusted advisor.

Work dates:

How I was paid:

Tax form received:

Average weekly hours:

Who controlled my schedule:

Top issue:

Top proof:

What changed after I asked questions:

Questions to ask

- Does my situation raise classification, wage, overtime, retaliation, tax, or contract issues?
- What evidence should I preserve first?
- What should I avoid doing right now?
- Are there deadlines or statutes of limitation I need to know about?
- Should communications go through counsel or another professional?

Want the full organizer? Use The 1099 Trap Evidence Tracker to log texts, emails, hours, pay issues, retaliation, and termination facts in one place.