



**CONSTRUCTION CONTRACTORS BOARD
BREACH OF CONTRACT COMPLAINT FORM
FOR EMPLOYEES
INSTRUCTIONS TO COMPLETE THE FORM**

1. **Read the “Resolving Disputes with Your Contractor” brochure before you fill out the complaint form.** There are limits on the time in which you must file a complaint. There are also other limits that you should know about. The brochure explains how the Construction Contractors Board (CCB) complaint process works. It is also available on our website.
2. **Do Not Use E-Mail to Communicate with the CCB.** E-mail is not a reliable method to send information to the CCB. The state e-mail filters may delete your e-mail before we receive it or we may delete the e-mail thinking it is spam. Therefore, do not use e-mail to communicate with us.
3. **At least 30 calendar days before you file the complaint you must give the contractor notice that you plan to file a complaint with the CCB.** This notice must be in writing and must say that you plan to file a complaint with the CCB. You must mail the notice by certified mail to the contractor’s address of record shown in CCB licensing records. You can get this address by logging onto our website and looking up the contractor’s license number under the Licensing inquiry or by calling the CCB at 503-378-4621. **See page 4 of these instructions for more details** about this notice. When you send your complaint form, you must send a copy of your notice letter and a copy of your receipt from the post office showing that you mailed the notice by certified mail, the date you mailed the notice, and the address you mailed the notice to. If you do not send this proof with your complaint form or if we receive your complaint form less than 30 calendar days after you mailed this notice, we will not be able to process your complaint and it will be returned to you. We cannot accept your complaint until at least 30 calendar days after you mail this notice, even if it is returned to you by the post office because it could not be delivered. Even if you are almost out of time to file your complaint, send your notice now and file your complaint 30 calendar days later.
4. You will need to show that:
 - You worked as the contractor’s employee and
 - You did construction work at one or more job sites in Oregon for that contractor and
 - You were not paid for work you performed for that contractor at those job sites.

5. **Complete all applicable boxes on the form and date and sign it at the bottom. If you do not give all required information or do not sign the form, we will return the form for you to complete. This will delay processing of your complaint.** However, if you do not have the contractor's CCB number, you can leave that space blank and we will search our records for the number.
6. You must send documents to prove that you worked as the contractor's employee.
 - If you had a written employment agreement, send a copy of that agreement.
 - If you had an oral employment agreement, you must send other documents to prove that you worked as the contractor's employee. Those documents could be copies of time cards showing your name and the contractor's name, copies of previous paycheck stubs, a copy of your W-4 form, or a notarized written statement from a person not related to you stating that you worked for the contractor.

Make sure that any documents or copies that you send are clear and legible. **If you do not send this proof of employment, it will delay processing of your complaint.**

7. In Box 5, Employment Details, you must enter all information requested for each job site where you performed work that you allege you did not get paid for and want to include in the complaint. You must write the complete job site address (including the street number, street name, city, and state) where you performed the work. If you cannot supply this information, we cannot process your complaint. You can continue this list at the bottom of page 2 if necessary. You must also check the appropriate box for the type of structure located at that job site address. Use the following definitions to decide the structure type:
 - a. **Residential structure** means a residence that is a site-built home; a structure that contains one or more dwelling units and is four stories or less; a condominium, rental residential unit or other residential dwelling unit that is part of a larger structure (if the property interest in the unit is separate from the property interest in the larger structure); a modular home constructed off-site; a manufactured dwelling; or a floating home. An appurtenance (such as a sidewalk, driveway, deck, fence, garage, or shop building) to one of these structures is also considered part of a residential structure.
 - b. **Small commercial structure** means: (1) A structure that is not a residence with a ground area of 10,000 square feet or less and a height from the top surface of the lowest flooring to the highest interior overhead finish of the building of 20 feet or less; (2) an appurtenance (such as a sidewalk, driveway, deck, or fence) to one of these structures; (3) a structure that is not a residence that is a leasehold, rental, or other unit and that is part of a larger structure, if the unit has a ground area of 12,000 square feet or less and a height from the top surface of the lowest flooring to the highest interior overhead finish of the unit of 20 feet or less; or (4) A structure of any size that is not a residence for which the contract price of all construction to be performed on the structure does not total more than \$250,000.
 - c. **Large commercial structure** means any structure not fitting the above definitions. This includes work on a street, a public works project, an apartment or condominium building more than four stories high, a structure not used as a residence that is more than 10,000 square feet in ground area or more than 20 feet high, or a leasehold or rental unit in a larger structure not used as a residence that is more than 12,000 square feet in ground area or more than 20 feet high.
7. On Line A at the bottom of the form, write total of all amounts you enter on your form. On Line B enter any amounts the contractor paid you toward the amount you show on Line A. Do not put an amount on Line B that the contractor paid you for work that is not included on Line A. On Line C enter the actual amount you believe the contractor owes you for work at issue in the complaint.

8. Be sure to date and sign the form. **If you do not sign the form, it will delay processing of your complaint.**
9. You must also complete and return the calendar that is page 3 of the form. On this calendar enter all days and hours you worked for the contractor but were not paid for. This calendar can be used for any two-month period. If you need calendars for additional months, you may copy the blank calendar as needed. **If you do not send a calendar showing the days and hours you allege you were not paid for, it will delay processing of your complaint.**
10. **COMPLAINTS INVOLVING WORK ON LARGE COMMERCIAL STRUCTURES:**
 - a. If you performed the work before July 1, 2008, or before your contractor renews its license with a commercial or residential endorsement, you must file in court or begin arbitration if you want access to the contractor's bond. You must deliver a copy of the court complaint or documents showing that you began arbitration to the CCB and to the contractor's bonding company. You must deliver these copies by certified mail, return receipt requested. The CCB and the contractor's bonding company must receive the copy before a judgment or arbitration award is issued and no later than the earlier of:
 - 90 calendar days after you file the court complaint or begin arbitration
 - 14 calendar days before the first day of trial or arbitration
 - 30 calendar days before a judgment or arbitration award is issued.
 - b. If your complaint is against a contractor endorsed as a commercial contractor, you must file in court or begin arbitration if you want access to the contractor's bond. You must deliver a copy of the court complaint or documents showing that you began arbitration to the CCB and to the contractor's bonding company. You must deliver these copies by certified mail, return receipt requested. The CCB and the contractor's bonding company must receive the copy before a judgment or arbitration award is issued and no later than the earlier of:
 - 90 calendar days after you file the court complaint or begin arbitration
 - 14 calendar days before the first day of trial or arbitration
 - 30 calendar days before a judgment or arbitration award is issued.

GUIDELINES FOR INFORMATION

1. Use only 8½" by 11" (normal letter size) paper. If you have items smaller than 8½" by 11", please tape them to 8½" by 11" paper. For two-sided items such as checks, photocopy each side. **Send legible copies, not originals.**
2. **Do not send photos, videotapes, or audiotapes.** Keep this information for your records. You should state in your complaint that you have this information available and give a brief description of it. We might ask you to send us the information later or you might need it for evidence if your complaint needs a hearing.
3. Either type in black ink or hand write using a black ink pen. Do not use pencil because it does not copy well.
4. Do not put documents in notebooks or binders. These do not fit in our files. Please do not attach post-it notes or business cards to any documents or information.
5. Allow at least a ½" margin on all sides of each page, and do not write on both sides of the paper.

6. Use white or very light colored paper. Other colors of paper do not copy well.
7. Do not highlight portions of documents. When photocopied, highlighted areas come out black.

PRE-COMPLAINT NOTICE REQUIREMENTS

The pre-complaint notice letter you send to the contractor must have all of the following information in it.

1. Date
2. Contractor's Name
3. Contractor's Address: This must be the address shown in the CCB licensing record. You can get this from our website at www.ccb.state.or.us or by calling us at 503-378-4621.
4. Your letter must state that you intend or plan to file a complaint with the CCB.
5. Your name must be on the letter.

With your complaint form you must send a copy of the letter and a copy of the post office receipt showing that you sent the letter by certified mail, the date you sent the letter, and the address you sent it to. **The receipt must have the postmark stamp it.**

SAMPLES

This is a sample of a properly completed post office receipt with the postmark stamped on it.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark Here: KENTON, OR STA. 97127 MAR 21 2008

Sent To: Contractor's Name, Contractor's Address of record, city, state zipcode

PS Form 3800, Jun 07

Date (1)

Contractor's Name (2)

Contractor's address (3)

Dear Sir:

I intend to file a complaint with the Construction Contractors Board thirty days after I mail this letter. (4)

Your Name (5)

Be sure the respondent's name and address show here.

Be sure the post office date-stamp is here and you can read the date.

THIS SECTION FOR OFFICE USE ONLY
File Number
License Dates
90-day Period License Type
Complaint Type

BREACH OF CONTRACT
COMPLAINT
EMPLOYEE

1. Person Making Complaint
Name
Mailing Address
City State Zip Phone
2. Complaint Against
Name
Company CCB #
Mailing Address
City State Zip Phone

3. Pre-complaint notice Date sent Please include copy of notice and proof of certified mailing.

4. Other Filings
Check this box if other CCB complaint(s) have been filed affecting this property (CCB File No.(s))
Check this box if this issue has been submitted to court or arbitration for determination or resolution, and attach details

5. Employment Details
Please complete the following recap. Use a separate line for each job site. Attach copies of time sheets, previous check stubs, W-4's, etc.

Table with 6 columns: Date Started, Date Stopped, Hours Worked, Hourly Wage, Complete Job Site Address, Structure Type. Structure Type includes checkboxes for Residential, Small Commercial, and Large Commercial.

(Continue this list on page 2 of this form if necessary)

A. Total amount earned (including amounts listed on page 2, if any) \$
B. Total amount received to date \$
C. Total amount claimed (A minus B) \$

I certify that all information on this complaint form and attachments is true, complete, and correct to the best of my knowledge and belief.

Date: Signature

Do Not Send Processing Fee with this Form

BREACH OF CONTRACT COMPLAINT EMPLOYEE

Page 2

FOR OFFICE USE ONLY File Number

Structure Types

For each invoice listed under item 6 of this form, you must check the appropriate box for the type of structure located at the job site where the work covered by that invoice was performed. The following are the structure type definitions:

Residential structure means a residence that is a site-built home; a structure that contains one or more dwelling units and is four stories or less; a condominium, rental residential unit or other residential dwelling unit that is part of a larger structure (if the property interest in the unit is separate from the property interest in the larger structure); a modular home constructed off-site; a manufactured dwelling; or a floating home. An appurtenance (such as a sidewalk, driveway, deck, fence, garage, or shop building) to one of these structures is also considered part of a residential structure.

Small commercial structure means: (1) A structure that is not a residence with a ground area of 10,000 square feet or less and a height from the top surface of the lowest flooring to the highest interior overhead finish of the building of 20 feet or less; (2) an appurtenance (such as a sidewalk, driveway, deck, or fence) to one of these structures; (3) a structure that is not a residence that is a leasehold, rental, or other unit and that is part of a larger structure, if the unit has a ground area of 12,000 square feet or less and a height from the top surface of the lowest flooring to the highest interior overhead finish of the unit of 20 feet or less; or (4) A structure of any size that is not a residence for which the contract price of all construction to be performed on the structure does not total more than \$250,000.

Large commercial structure means any structure not fitting the above definitions. This includes work on a street, a public works project, an apartment or condominium building more than four stories high, a structure not used as a residence that is more than 10,000 square feet in ground area or more than 20 feet high, or a leasehold or rental unit in a larger structure not used as a residence that is more than 12,000 square feet in ground area or more than 20 feet high.

5. Employment Details (continued)

Date Started	Date Stopped	Hours Worked	Hourly Wage	Complete Job Site Address	Structure Type
					<input type="checkbox"/> Residential <input type="checkbox"/> Small Commercial <input type="checkbox"/> Large Commercial
					<input type="checkbox"/> Residential <input type="checkbox"/> Small Commercial <input type="checkbox"/> Large Commercial
					<input type="checkbox"/> Residential <input type="checkbox"/> Small Commercial <input type="checkbox"/> Large Commercial
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					<input type="checkbox"/> Residential <input type="checkbox"/> Small Commercial <input type="checkbox"/> Large Commercial

Do Not Send Processing Fee with this Form

BREACH OF CONTRACT COMPLAINT

EMPLOYEE

Page 3 – Calendar

FOR OFFICE USE ONLY
File Number

Enter the date in the small square. Enter the number of hours worked in the large square.

MONTH		YEAR				
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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MONTH		YEAR				
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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