Breach of Contract Complaint Form

For Employees

Before you file a complaint

Before filling out a complaint, you may want to read "Resolving Disputes With Your Contractor."

You must give the contractor ***written*** notice that you plan to file a complaint with us at least 30 calendar days before you file the complaint. Even if you are almost out of time to file your complaint, send your notice now and file your complaint 30 calendar days later. (See page 3 of the instructions for help.)

If your complaint involves a commercial structure

If you worked on a ***large commercial structure***, you must file your complaint against a commercial bond.
If you worked on a ***small commercial structure*** and:

- The contractor you are filing against has only a commercial bond, you must file your complaint against the commercial bond.
- The contractor you are filing against has only a residential bond, you must file against the residential bond.
- The contractor you are filing against has both a commercial and residential bond, you may file against either bond.

Filing against commercial bonds requires court action

To access a commercial bond, you must file in court or begin arbitration ***before*** filing a complaint with us. You must deliver a copy of the court complaint or documents showing you began arbitration and a completed CCB complaint form to the CCB and to the contractor's bonding company. 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 by the earliest of these dates:

- 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

Complaints against residential bonds

If you are filing against a residential bond, you do not need to file in court or notify the bonding company before filing a complaint with us.

Attaching required documents to your complaint

If you had a written employment agreement, attach a copy of that agreement. If you had an oral employment agreement, attach 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.

We can process your complaint more quickly if you:

- Use only 8 ½ by 11 size paper. Small items should be taped to the paper.
- Send legible copies, not originals.
- If handwritten, use a black ink pen (not pencil).
- Use white or light paper – other colors do not copy well.
- Do not highlight portions of documents

Pre-Complaint Notice Requirements

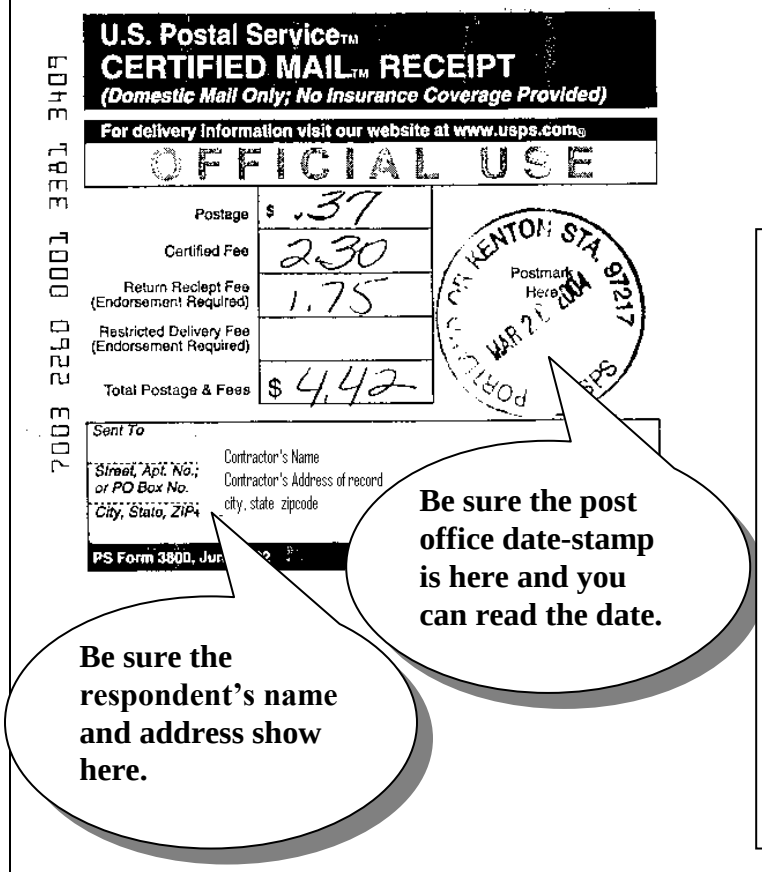
We cannot accept your complaint until at least 30 days after you mail this notice, even if it is returned to you by the post office because it could not be delivered. The law requires only that you mail the notice, not that the contractor receive it.

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.oregon.gov/CCB** 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 notice 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.**

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



This is a sample of what your letter must say:

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)

Contractors Board **OFFICE DATE STAMP**

PO Box 14140
Salem OR 97309-5052

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

BREACH OF CONTRACT COMPLAINT
Employee

Use this form only if you performed construction work for the contractor as an employee. If you worked as a subcontractor, you must use the subcontractor complaint form.

Person Making Complaint: Name	**Complaint Against:** Name	
Mailing Address	Company	CCB #
	Mailing Address	
City State Zip Code	City State Zip Code	
Phone: ( )	Phone: ( )	

Pre-complaint notice Date sent _____ (Include copy of notice and proof of certified mailing)

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

A. Total amount earned $ _____

B. Total amount received to date $ _____

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.

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BREACH OF CONTRACT COMPLAINT
Employee
Page 2 – Employment Details

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 are or more than 20 feet high.

Employment Details

Use a separate line for each job site where you worked. Be sure the job site addresses listed include the street address, city, and state.

Date started	Date stopped	Unpaid Hours Worked	Hourly Wage	Complete Job Site Address Street address, city, and state	Structure Type
8/10/14 *SAMPLE*	8/12/14	24	$15	700 Summer St Salem, OR 97305	☑ Residential ☐ Small Commercial ☐ Large Commercial

Date Started	Date Stopped	Unpaid Hours Worked	Hourly Wage	Complete Job Site Address Street address, city, and state	Structure Type
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**

If you need to enter more job sites, continue to Page 3. Otherwise, go to Page 4.

BREACH OF CONTRACT COMPLAINT
Employee
Page 3 – Employment Details

FOR OFFICE USE ONLY File Number

You may copy as many of these pages as you need.

Date Started	Date Stopped	Unpaid Hours Worked	Hourly Wage	Complete Job Site Address Street address, city, and state	Structure Type
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**
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					☐ **Residential** ☐ **Small Commercial** ☐ **Large Commercial**

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BREACH OF CONTRACT COMPLAINT
Employee
Page 4 – Calendar

FOR OFFICE USE ONLY
File Number

Enter all days and hours you worked for the contractor but were not paid for. Place the date in the small square and the number of hours worked in the large square.

You may copy as many of these pages as you need.

MONTH				**YEAR**		
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

MONTH				**YEAR**		
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday