

*****DRAFT - NOT FOR FILING*****

4101:9-4-23 Investigation.

- (A) A complaint may be filed with the director by any employee upon a public improvement or by any interested party. The complaints shall be in writing on a form furnished by the director and delivered to the "Ohio Department of Commerce, Division of Industrial Compliance, Bureau of Wage and Hour Administration, 6606 Tussing Rd., P.O. Box 4009, Reynoldsburg, OH 43068-9009."
- (B) The complaint of an employee shall include sufficient evidence to demonstrate that the employee was paid less than the prevailing wage in violation of Chapter 4115. of the Revised Code.
- (C) The complaint of an interested party shall include all of the following:
- (1) the names and business addresses of any contractors or employers against whom the complaint is made;
 - (2) specific allegations, along with evidence supporting each allegation, describing each specific act or failure by the named contractors or employers that is claimed to be a violation of Chapter 4115. of the Revised Code. If an allegation is made on the basis of information and belief, the complaint shall state with particularity all facts on which that belief is formed; and
 - (3) the names and contact information of persons having personal knowledge of the facts alleged.
- The director will not accept any complaint that fails to allege a specific violation of Chapter 4115. of the Revised Code, or that is not supported by sufficient evidence.
- (D) Upon receipt of a complaint or upon the director's own motion, the director shall initiate an investigation of alleged violations of sections 4115.03 to 4115.16 of the Revised Code. Such investigation may include an audit of the records of any employer on the affected project. Audits shall be done at reasonable times during business hours. Prior notice is not required though usually will be given. No employer shall refuse an authorized agent of commerce admission to its premises for purposes of inspection. Inspection may cover any duplicate books, cancelled checks, and any other records pertaining to the affected project to the extent necessary to determined whether prevailing rates of wages have been paid on public improvement projects. The final decision regarding any audit will be made by the central staff of commerce and not by field auditors.