



## Ohio Administrative Code Rule 5101:11-7-02 Complaint process.

Effective: October 1, 2020

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(A) Filing of complaints. A complaint alleging non-compliance with any rule under division 5101:11 of the Administrative Code, may be submitted to the council office by an apprentice or his/her authorized representative. To qualify for council office action, the complaint will need to meet the criteria stated in the public notice of complaint procedure, as described by paragraph (B) of this rule.

(B) Public notice of complaint procedures. Each sponsor is to provide written notice of the complaint procedures described in this rule. The notice is to be: provided along with any forms used in applications for apprenticeship; displayed in prominent, publicly available locations where all apprentices will see it; and in every feasible way made familiar to people involved or interested in the program. The notice is to contain the following specific wording:

"Your Right to File a Complaint. Registered Apprenticeship programs shall abide by all state rules in division 5101:11 of the Administrative Code. Under these rules and other legal codes, discrimination is prohibited against an apprenticeship applicant or apprentice based on Hispanic ethnicity, race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age over forty years, genetic information, or disability. Registered program sponsors and employers shall ensure equal opportunity (EEO) with regard to all terms, conditions, and privileges associated with apprenticeship. If you think that you have been subjected to, or have observed, any violation of state apprenticeship rules, you may file a complaint with the apprenticeship council office of the Ohio department of job and family services, care of [INSERT THE NAME, OFFICE &/OR E-MAIL ADDRESS, AND PHONE NUMBER OF THE COUNCIL OFFICE EMPLOYEE WHO IS RESPONSIBLE FOR RECEIVING COMPLAINTS]. To qualify for council office review and response, the complaint is to meet the following criteria:"

(1) "The following deadlines apply:

(a) In matters concerning EEO, the complaint generally is to be filed with the council office no later



than one hundred eighty days from the date of the latest alleged violation. The deadline may be extended by the council office for good cause shown. The designation of this time frame for filing is for the council office's administrative convenience and does not create a defense for the respondent against whom the complaint is lodged.

(b) In matters not concerning EEO, the complaint is to be submitted to the council office between one and sixty days after final completion of all complaint resolution and appeals procedures that are available under the program standards and, if applicable, a collective bargaining agreement."

(2) "The complaint may be submitted as a written, printed, or typed paper document; as the text of an e-message; or as an e-mail attachment. It is to include the following information:

(a) The complainant's name, and reliable contact information including as many of the following as possible: address, e-mail address, and telephone number;

(b) A statement of whether the complainant him/herself was affected by the violation, and if applicable, the count (one or higher) of any other person(s) thought to be affected;

(c) In what capacity such individual(s) would have been affected (e.g., as active apprentice(s), apprenticeship applicant(s), etc.)

(d) The name, business address, and telephone number of the program in which the violation allegedly occurred;

(e) A short description of the alleged violation(s), including as much of the following as possible: a concise account of each action perceived as violating a state rule; the date, time, and place at which it occurred; the name (if available) and role (e.g., program director, work manager, instructor, etc.) of anyone who committed the action; and why the complainant believes that it constituted a violation. A complaint concerning EEO will need to specify which factor(s) among the following, formed the alleged basis of discrimination: race, color, Hispanic ethnicity, religion, sex, sexual orientation, national origin, age over forty years, genetic information, or disability;"

(3) "The complaint document needs to bear the signature of the complainant or his/her authorized



representative. If the document is filed by e-mail message or attachment, the signature is to be incorporated to the text of the complaint, for instance by means of screen shot, PDF, or other image medium."

(C) Complaint investigations. Upon receiving a complaint that conforms to the requirements of paragraph (B) of this rule and that suggests a violation under division 5101:11 of the Administrative Code, the council office will:

- (1) Provide written notice to the complainant, acknowledging receipt of the document;
- (2) Contact the complainant, if necessary, for information that clarifies the nature of the complaint and/or whether it warrants investigation;
- (3) Conduct a thorough investigation to determine the accuracy of the complaint and whether the sponsor has violated any pertinent rule(s) under division 5101:11 of the Administrative Code.

(D) The identity of a complainant and of anyone assisting in a complaint investigation, will only be divulged outside of council office staff upon prior notification of and permission from the person in question, apart from such exception(s) as the office deems necessary to enforce the rules under division 5101:11 of the Administrative Code.