

Memorandum

To: DISTRICT LABOR COMPLIANCE MANAGERS

Date: June 21, 2023

From: KIMBERLEY OLSON
Acting Chief, Office of Construction Support
Division of Construction

Subject: **2023 ANNUAL EQUAL EMPLOYMENT OPPORTUNITY REPORT: FORM FHWA 1391**

Pursuant to United States Code of Federal Regulations, Title 23, Section 230.121 and federal-aid contract requirements, contractors are required to report annually on the composition of their workforce by race, gender, and job category. Using the federal form FHWA 1391, "Federal-Aid Highway Construction Contractors Annual EEO Report," prime contractors and any lower-tier subcontractors with subcontracts in excess of \$10,000 must complete the report for work performed during the last full work week of July.

The 2023 reporting period begins **Sunday, July 23, 2023 and ends Saturday, July 29, 2023**. To facilitate timely processing contractors should be directed to submit completed reports to designated district construction staff no later than August 15, 2023. Contractors should also be informed that they are subject to a progress pay deduction for failure to submit the report or if the report they submit is unsigned, illegible, or incomplete. The applicable procedures and amounts are listed in Sections 8-209, "Deducting Payment for Failure to Submit Reports," and Section 5-103F (1c), "Deductions" of the *Construction Manual*.

Districts must forward the completed reports electronically to the Caltrans Office of Civil Rights (OCR) at the e-mail address 1391@dot.ca.gov

District/Region Responsibility

- Notify all contractors of the reporting requirement and due date.
- Review the form for completeness and accuracy including both the contractor and district construction personnel signatures.
- Return incomplete or inaccurate reports to the contractor as soon as possible.
- Submit all completed forms to OCR.

Reporting Milestones

- Reporting period is July 23, 2023 through July 29, 2023.
- Reports are due to district construction no later than August 15, 2023.
- Reports are due to OCR no later than August 24, 2023.

Attached is the FHWA 1391 form with instructions. The form is also located on the USDOT FHWA internet site at:

<https://www.fhwa.dot.gov/eforms/> (Ctrl+Click to follow link)



Local agency reports will continue to be collected by the Division of Local Assistance. If you have any questions regarding the reporting requirements, please contact Leah Van Dyne at (916) 324-0784 or Leah.VanDyne@dot.ca.gov

Attachments

- FHWA-1391 Form
- FHWA-1391 Instructions

CALIFORNIA DEPARTMENT OF TRANSPORTATION

INSTRUCTIONS FOR COMPLETING FORM FHWA-1391

FEDERAL FISCAL YEAR 2023

AUTHORITY

- Code of Federal Regulations, Title 23, Subpart A, Section 230.121
- FHWA-1273, "Required Contract Provisions Federal-Aid Contracts"
- Caltrans Standard Specifications
- Caltrans Local Assistance Procedures Manual (local public agency contracts only)

WHO IS REQUIRED TO REPORT?

- All prime contractors on FHWA-assisted construction contracts, and all related subcontractors with subcontracts of \$10,000 or more
- A separate FHWA-1391 must be completed by each prime contractor and each related subcontractor that meets the reporting threshold

REPORTING PERIOD

- Contractors must identify all employees who perform work during all or any part of the last payroll period of July 2023.
- Capture data for employees' who worked during the last payroll period in July as shown below:
 - July 23 through July 29

DUE DATES

- Caltrans contracts: FHWA-1391s are due to Caltrans' District Labor Compliance Offices by August 15, 2023
- Local public agency contracts: FHWA-1391s are due to local public agencies by August 15, 2023. Local public agency reports are due to Caltrans' District Local Assistance Engineers by August 15, 2023
- All reports shall be submitted electronically to Office of Civil Rights 1391@dot.ca.gov no later than August 24, 2023

CONTACT

Leah Van Dyne, Caltrans, Office of Civil Rights, at (916) 324-0784, or Leah.Van.Dyne@dot.ca.gov

CALIFORNIA DEPARTMENT OF TRANSPORTATION

INSTRUCTIONS FOR COMPLETING FORM FHWA-1391

FEDERAL FISCAL YEAR 2023

JOB CATEGORIES LISTED IN TABLE A OF FORM FHWA-1391

The job categories shown in Table A of the FHWA-1391 can often be different than the specific job category or work classification that is printed on the certified payroll report. Use the following examples to place employees in the appropriate job classification:

Example #1: List flaggers as Laborers-Unskilled

Example #2: List operators of paint striping trucks as Truck Drivers or Equipment Operators

Example #3: List form builders and helper as Carpenters

Example #4: List form setters as Laborers-Semi-Skilled

Example #5: List survey crews as Laborers-Semi-Skilled

INSTRUCTIONS FOR FILLING OUT FIELDS

1. Mark Appropriate Block	Check only one box
2. Company Name, City, State	Enter the complete company name, city and state in which the company is based
3. Project Number	Caltrans contracts: Enter the contract number Local public agency contracts: Enter the local public agency's contract number and the federal-aid contract number If you are a subcontractor and do not know the contract number or federal-aid project number, contact the prime contractor
4. Dollar Amount of Contract	Enter the dollar amount of the contract, including amendments
5. Project Location	Enter the county/counties and stat(s) in which the work is taking place
6. Pay Period Ending	Enter the "23" for "2023"
7. Employment Data: Table A, Table B, and Table C	Enter the number of employees, apprentices, and on-the-job trainees by race, gender, and job category Note: Totals for tables B and C for the FHWA-1391 should match. Table C must include a breakdown, by ethnicity, of all apprentices/trainees shown in table B
8. Prepared by	Signature and title of contractor's representative
9. Date	Date the form was signed
10. Reviewed by	For Caltrans/local public agency use only
11. Date	For Caltrans/local public agency use only

Note: Fields 1-9 are required to be completed by contractors. Fields 10 and 11 are required to be completed by Caltrans/local public agency staff.

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT

1. MARK APPROPRIATE BLOCK <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor	2. COMPANY NAME, CITY, STATE:	3. PROJECT NUMBER:	4. DOLLAR AMOUNT OF CONTRACT:	5. PROJECT LOCATION: (County and State)
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This collection of information is required by law and regulation 23 U.S.C. 140a and 23 CFR Part 230. The OMB control number for this collection is 2125-0019 expiring in March 2025.

6. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY PERIOD ENDING IN JULY 20 (INSERT YEAR)

JOB CATEGORIES	TABLE A																		TABLE B			
	TOTAL EMPLOYED		TOTAL RACIAL/ ETHNIC MINORITY		BLACK or AFRICAN AMERICAN		WHITE/HISPANIC OR LATINO		AMERICAN INDIAN OR ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE/NON-HISPANIC OR LATINO		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS																						
SUPERVISORS																						
FOREMEN/WOMEN																						
CLERICAL																						
EQUIPMENT OPERATORS																						
MECHANICS																						
TRUCK DRIVERS																						
IRONWORKERS																						
CARPENTERS																						
CEMENT MASONS																						
ELECTRICIANS																						
PIPEFITTER/PLUMBERS																						
PAINTERS																						
LABORERS-SEMI SKILLED																						
LABORERS-UNSKILLED																						
TOTAL																						

TABLE C (Table B data by racial status)

APPRENTICES																						
OJT TRAINEES																						

8. PREPARED BY: (Signature and Title of Contractors Representative) _____	9. DATE _____	10. REVIEWED BY: (Signature and Title of State Highway Official) _____	11. DATE _____
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