|  |  |  |
| --- | --- | --- |
|  | State of California | California State Transportation Agency |
| **DEPARTMENT OF TRANSPORTATION** |  |
| DIVISION OF CONSTRUCTION |  |
| OFFICE OF LABOR COMPLIANCE  **Memo ra ndum** |  |
| **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 Sates 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](mailto:1391@dot.ca.gov)

DISTRICT LABOR COMPLIANCE MANAGERS June 21, 2023

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### District/Region Responsibility

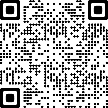
* Notify all contractors of the reporting requirement and due date.
* Review the form for completeness and accuracy including both the contractor and district construction personnel signatures.
* Return incomplete or inaccurate reports to the contractor as soon as possible.
* Submit all completed forms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

**CLEAR FORM**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT** | | | | | | | | | | | | | | | | | | | | | | | |
| **1. MARK APPROPRIATE BLOCK** | | | | **2. COMPANY NAME, CITY, STATE:** | | | | | **3. PROJECT NUMBER:** | | | **4. DOLLAR AMOUNT OF CONTRACT:** | | | | | | **5. PROJECT LOCATION: (County and State)** | | | | | |
| * **Contractor** * **Subcontractor** | | | |  | | | | |  | | |  | | | | | |  | | | | | |
| 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)** | | | | | | | | | | | | | | | | | | | | | | | |
| **TABLE A** | | | | | | | | | | | | | | | | | | | | **TABLE B** | | | |
| **JOB CATEGORIES** | **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** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **SUPERVISORS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **FOREMEN/WOMEN** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **CLERICAL** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **EQUIPMENT OPERATORS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **MECHANICS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **TRUCK DRIVERS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **IRONWORKERS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **CARPENTERS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **CEMENT MASONS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **ELECTRICIANS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **PIPEFITTER/PLUMBERS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **PAINTERS** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **LABORERS-SEMI SKILLED** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **LABORERS-UNSKILLED** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |
| **TOTAL** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 |
| **TABLE C** *(Table B data by racial status)* | | | | | | | | | | | | | | | | | | | | | | | |
| **APPRENTICES** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  | |  | |
| **OJT TRAINEES** | 0 | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |
| **8. PREPARED BY:**  **(Signature and Title of Contractors Representative)** | | | | | | | | **9. DATE** | | **10. REVIEWED BY:**  **(Signature and Title of State Highway Official)** | | | | | | |  | | | | | **11. DATE** | |
|  | | | | | | |
| Form FHWA- 1391 (Rev. 06-22) **PREVIOUS EDITIONS ARE OBSOLETE** | | | | | | | | | | | | | | | | | | | | | | | |