


Memorandum

*Making Conservation
a California Way of Life.*

To: PAT MALONEY
Chief, Office of Construction Support
Division of Construction

Date: June 1, 2017

File:

From: ANNA SILVA 
Chief, Training, Outreach, Policy, and Reports
Office of Business and Economic Opportunity (OBEO)

Subject: **2017 ANNUAL EQUAL EMPLOYMENT OPPORTUNITY REPORT: FORM FHWA-1391**

Construction contractors who perform work on Federal Highway Administration (FHWA) assisted contracts are required to report annually on the composition of their workforce by race, gender, and job category pursuant to Title 23 of the Code of Federal Regulations, Part 230, Subpart A, Section 230.121. This reporting requirement is included in federal-aid contract provisions and applies to all prime contractors and related subcontractors with subcontracts of \$10,000 or more.

Using form FHWA-1391, all prime contractors and applicable subcontractors who are subject to the reporting requirement must identify employees who performed work during all or any part of the last payroll period of July 2017. The payroll periods for July 2017 are as follows:

- July 3 through July 7
- July 10 through July 14
- July 17 through July 21
- July 24 through July 28
- July 31 through August 4

Prime contractors are subject to a progress pay deduction for failure to submit FHWA-1391s, including failure to submit FHWA-1391s for applicable subcontractors, or if the reports they submit are unsigned, illegible, or incomplete. For information on withholding funds, refer to the Caltrans Construction Manual, Section 8-210, "Deducting Payment for Failure to Submit Reports," and Section 5-103F(1)(c), "Deductions."

Reporting Milestones

- Prime contractors must submit all FHWA-1391s to Caltrans' District Labor Compliance Managers no later than August 15, 2017.
- District Labor Compliance Managers must submit all FHWA-1391s to the OBEO no later than September 1, 2017. Submit forms via e-mail to hershel.baser@dot.ca.gov. Alternatively, mail forms to: OBEO, Attn: Hershel Baser, 1823 14th Street, Sacramento, CA 95811.

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District/Region Responsibilities

- Remind prime contractors on FHWA-assisted contracts of the reporting requirement.
- Ensure prime contractors submit one FHWA-1391 to account for their workforce, and separate FHWA-1391s for all subcontractors with subcontracts of \$10,000 or more.
- Review FHWA-1391s received to identify and correct discrepancies, if applicable.
- Work with the Resident Engineer to impose progress pay deductions on contracts for which FHWA-1391s were not submitted.

OBEO Responsibilities

- Verify receipt of FHWA-1391s for all FHWA-assisted contracts.
- Follow-up with District Labor Compliance Managers regarding contracts for which FHWA-1391s are missing.
- Compile FHWA-1391 data into the FHWA-1392 Report.
- Submit the FHWA-1392 Report to the FHWA no later than September 22, 2017.

If you have questions regarding the FHWA-1391 reporting process, please contact Hershel Baser, Associate Governmental Program Analyst, OBEO, at (916) 324-0987, or hershel.baser@dot.ca.gov.

Attachments

- (1) Form FHWA-1391.
- (2) Instructions for completing form FHWA-1391.

c: Mario Solis, Staff Services Manager I, OBEO, Caltrans
Hershel Baser, Associate Governmental Program Analyst, OBEO, Caltrans