

# 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](mailto: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](mailto:Leah.VanDyne@dot.ca.gov)

### **Attachments**

- FHWA-1391 Form
- FHWA-1391 Instructions