

Memorandum

*Serious drought.
Help Save Water!*

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

Date: June 8, 2016

File:

From: RAMON CARLOS JR.
Chief, Training, Outreach, Policy, and Reports
Office of Business and Economic Opportunity

Subject: 2016 ANNUAL EEO REPORT – FORM FHWA-1391

Federal-aid highway construction contractors 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, and federal-aid contract requirements. This reporting requirement applies to all prime contractors and subcontractors, regardless of tier, with federal-aid highway construction contracts of \$10,000 or more.

All prime contractors and subcontractors on federal-aid projects whose contracts exceed the \$10,000 threshold must identify employees on board during all or any part of the **last payroll period** of July 2016, using Federal Highway Administration (FHWA) form 1391 (“Federal-Aid Highway Construction Contractors Annual EEO Report”). The payroll periods for July 2016 are as follows:

- June 27 through July 1
- July 4 through July 8
- July 11 through July 15
- July 18 through July 22
- July 25 through July 29

All FHWA-1391s are due to the District Labor Compliance Manager by August 15, 2016. Contractors are subject to a progress pay deduction for failure to submit FHWA-1391s for all applicable contracts, or if the reports they submit are unsigned, illegible, or incomplete. For information on withholding funds, refer to the Caltrans Construction Manual, Section 8-209, “Deducting Payment for Failure to Submit Reports,” and Section 5-103F(1)(c), “Deductions.”

Reporting Milestones

- FHWA-1391s are due to District Labor Compliance Managers by August 15, 2016.
- District Labor Compliance Managers must submit all FHWA-1391s to the Office of Business and Economic Opportunity by September 1, 2016. Submit forms, via e-mail, to hershel.baser@dot.ca.gov. Alternatively, mail forms to the Office of Business and Economic Opportunity, Attn: Hershel Baser, 1823 14th Street, Sacramento, CA 95811.

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District/Region Responsibilities

- Notify all contractors of the reporting requirement and due date.
- Ensure contractors submit one FHWA-1391 for each prime contractor, and separate FHWA-1391s for each subcontractor, if applicable.
- Review FHWA-1391s received from contractors to identify and correct discrepancies, if applicable.
- Confirm receipt of FHWA-1391s to document work performed during the last payroll period in July, as shown above.
- Contact the Resident Engineer to impose progress pay deductions on contracts for which FHWA-1391s were not submitted as required.

Office of Business and Economic Opportunity Responsibilities

- Review and verify receipt of all FHWA-1391s for contracts subject to the reporting requirement.
- Follow-up with District Labor Compliance Managers regarding projects for which FHWA-1391s are missing.
- Compile the FHWA-1391 data into the FHWA-1392 Report.
- Submit the FHWA-1392 Report to the Federal Highway Administration no later than September 26, 2016.

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

Sincerely,



RAMON CARLOS JR.
Chief, Training, Outreach, Policy, and Reports
Office of Business and Economic Opportunity

Attachments

- (1) Form FHWA-1391
- (2) Instructions to Complete Form FHWA-1391

c: Hershel Baser, Contract Manager, Training and Outreach, Office of Business and Economic Opportunity