

# FHWA-1391 Notice and Instructions Contractors' Annual EEO Report

July, 2022

## Who is required to complete this federal report?

- This notice is for all contractors and subcontractors that will have an active/open federal-aid contract or subcontract in July 2022, exceeding \$10,000, with funding through the Oregon Department of Transportation (ODOT), including contracts let by a Certified Local Public Agency.
- Reports are required for the last full pay period preceding the end of July for each qualifying contract, with employment data that reflect the workforce on-board during all or any part of the payroll period.
- Reports are not required for qualifying contracts which do not have at least one full payroll period within July.

## What is the Federal-Aid Highway Construction Contractors' Annual EEO Report (FHWA-1391)?

- A requirement attached to federal-aid contracts (FHWA 1273 Required Contract Provisions Federal-Aid Construction Contracts and Equal Employment Opportunity Provisions). The collection of information is required by law and regulation 23 USC 140a and 23 CFR Part 230 to identify the number of people you employ, the primary trade in which they work, their race and gender, and their classification as a journey worker, an apprentice, or on-the-job trainee. The information is used by Federal and State officials evaluating equal opportunity programs.

## What and where are the filing instructions?

- The form and instructions are emailed, and available through the links below.
- <http://www.oregon.gov/ODOT/Business/OCR/Documents/FHWA1391.xlsx>
- [http://www.oregon.gov/ODOT/Business/OCR/Documents/2021\\_1391\\_Instructions.pdf](http://www.oregon.gov/ODOT/Business/OCR/Documents/2021_1391_Instructions.pdf)
- Contractors and subcontractors must complete the Form for **each** qualifying contract and subcontract.
  - Surveying and engineering classifications are not required to be reported. Firms employing only surveying and engineering classifications are not required to submit this report.
  - **Reports must be completed using the Excel file and emailed to [ocrinforequest@odot.oregon.gov](mailto:ocrinforequest@odot.oregon.gov)**
  - Failure to report will result in non-compliance under 23 USC 140a and 23 CFR Part 230.

## What is the deadline?

- Prime contractors and subcontractors are responsible for submitting the completed Excel file by email no **later than Saturday, August 13, 2022.**

## Common Mistakes

- A form is submitted with totals from table B & C that do not match: Table C - Supply the racial/ethnic category of the apprentices or trainees (reported in Table B). TOTALS FOR TABLE B and TOTAL EMPLOYED ON TABLE C MUST MATCH.
- A form submitted in a file format other than Excel: The Excel file is required by the Federal Highway Administration. We cannot accept scanned files.

**Questions? Call Cyé Fink at (503) 428 - 2921**

## FHWA-1391 Notice and Instructions Contractors' Annual EEO Report

The following instructions correspond with the numbered boxes and tables on the report. An image of the form is shown on page 3.

The form in Excel format is located here:  
<http://www.oregon.gov/ODOT/Business/OCR/Documents/FHWA1391.xlsx>  
Complete and submit by email to [ocrinforequest@odot.oregon.gov](mailto:ocrinforequest@odot.oregon.gov) by August 13, 2022.

This report is a simple head count of your workforce for each federal-aid contract, for all occupations listed on the form (**do not edit the form to add or delete occupations**).  
Work hours are not reported on this form.

1. **Select Appropriate Role:** Indicate whether you are a prime contractor or subcontractor on this project by entering "X" into the appropriate role field.
2. **Company Name, City, and State:** Fill in the legal name, city and state.
3. **Project Number:** Enter the ODOT Contract Number for the data the form will cover. Enter only one project per form. Each project/contract needs a separate 1391 form.
4. **Dollar Amount of Contract.** Enter the amount of your firm's contract or subcontract.
5. **Project Location:** Fill in County and State.
6. **WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY PERIOD ENDING IN JULY 2021** (Enter numbers in Tables A, B and C as indicated below).
  - **Table A:** Enter the number of employees (including journey, apprentices and ODOT approved trainees) in each racial/ethnic category working in each Job Category (blue boxes). Use only the most appropriate category on the form; do not add or edit categories. The totals (green boxes) will calculate automatically.
  - **Table B:** Enter the number of apprentice or trainees (reported in Table A) working in each trade or craft.
  - **Table C:** Supply the racial/ethnic category of the apprentices or trainees (reported in Table B).  
*TOTALS FOR TABLE B and TOTAL EMPLOYED ON TABLE C MUST MATCH.*

### Definition of Apprentice and On-the-Job Trainee (OJT)

**Apprentice:** A state or federally registered apprentice employed by contractor that is a registered training agent in a formal training program governed by an apprenticeship committee.

**On-the-Job Trainee:** An employee in an ODOT approved In-House training program.

### Boxes 8 and 9 (Required):

Fill in your name, title, email address and the date.

### Submitting the Completed FHWA-1391 Form

Once all of the information has been entered into the FHWA-1391 Excel file:

1. Save the completed Excel file; remember the file location so you can attach it to an email.
2. Create a new email with the Subject line: **[Project Number] 1391 2021 [CompanyName]**(Example: **12345 1391 2021 XYZ Corporation**)
3. Attach the completed Excel file.
4. Send to ODOT's Office of Civil Rights at [ocrinforequest@odot.oregon.gov](mailto:ocrinforequest@odot.oregon.gov)
5. Check your sent folder to verify that the email has been sent with the attachment.

If you need assistance completing this report, please contact:

Call **Cye Fink** at (503) 428 - 2921

or

[OCRInfoRequest@odot.oregon.gov](mailto:OCRInfoRequest@odot.oregon.gov)

# FHWA-1391 Notice and Instructions Contractors' Annual EEO Report

## Sample Form

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT	
1. MARK APPROPRIATE BLOCK	2. COMPANY NAME, CITY, STATE:
Contractor	XYZ Corporation, Salem, OR
Subcontractor	
<input checked="" type="checkbox"/>	
3. PROJECT NUMBER:	4. DOLLAR AMOUNT OF CONTRACT:
12345	3,500,000
5. PROJECT LOCATION: (County and State)	
	Marion, OR

This collection of information is required by law and regulation 29 U.S.C. 140a and 29 CFR Part 290.

### 6. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY PERIOD ENDING IN JULY 2021

JOB CATEGORIES	TOTAL EMPLOYED		TOTAL RACIAL/ ETHNIC MINORITY		BLACK or AFRICAN AMERICAN		HISPANIC OR LATINO		AMERICAN INDIAN OR ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE		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	1	0	1																		
SUPERVISORS	0	1	0	1																		
FOREMEN/WOMEN	1	1	1	1																		
CLERICAL	1	1	0	1																		
EQUIPMENT OPERATORS	5	3	4	2	1	2		1					1									
MECHANICS	0	0	0	0																		
TRUCK DRIVERS	0	0	0	0																		
IRONWORKERS	8	1	6	0	2				2													
CARPENTERS	6	2	3	1	2	1																
CEMENT MASONS	6	1	4	1																		
ELECTRICIANS	0	0	0	0																		
PIPEFITTER/PLUMBERS	0	0	0	0																		
PAINTERS	0	0	0	0																		
LABORERS/SEMI SKILLED	8	2	5	1	1				1													
LABORERS/UNSKILLED	0	0	0	0																		
<b>TOTAL</b>	<b>35</b>	<b>13</b>	<b>23</b>	<b>9</b>	<b>6</b>	<b>5</b>	<b>9</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>1</b>

TABLE C (Table B data by racial status)

APPRENTICES		OUT TRAINEES	
M	F	M	F
4	3	2	3
0	1	0	1

8. PREPARED BY: (Name, Title, Email of Contractor's Representative) 9. DATE

Jane Doe, Office Manager, JaneDoe@xyzcorp.com 09/04/21

10. REVIEWED BY: (Signature and Title of State Highway Official)

11. DATE