

Federal-Aid Highway Construction Contractors Annual EEO Report

Form FHWA-1391

Instructions for Contractors and Subcontractors on CDOT Federal-Aid Construction Projects

July 2023

Overview

The FHWA Annual Equal Employment Opportunity (EEO) Report is required for all federal-aid construction contracts. The Annual EEO Report collects employment data, specifically highlighting employment of racial/ethnic minorities and women, from all construction contractors with active federal-aid contracts valued at \$10,000 or more during the designated reporting period. Accurate reporting of data is imperative to maintain federal funding for future CDOT Federal-Aid Highway Construction projects.

The FHWA-1391 report effectively summarizes a contractor's project labor force as of the last full pay period prior to the end of July. **If a contractor did not perform any work (i.e., they do not have certified payroll) during the month of July, they are not required to submit the FHWA 1391 information for that project.**

Who is required to complete this report?

Any Prime Contractor and subcontractor (regardless of tier) on active CDOT Federal-Aid Highway Construction projects **valued at \$10,000 or greater** during the final full pay period of July must submit workforce employment information by Friday, August 18, 2023 in order to successfully complete their FHWA-1391 report as required.

Prime Contractors are required to submit information for their applicable workforces but are NOT responsible for submitting subcontractor information. However, Prime Contractors are responsible for ensuring any and all subcontractors are aware of, and in compliance with, reporting requirements.

When is the 1391 Due?

All FHWA-1391 EEO Report information is to be submitted no later than Friday, August 18, 2023. Submissions made not following these instructions cannot be guaranteed to be counted toward reporting requirements.

How do I submit my report?

Contractors and subcontractors will submit their EEO reporting information via LCPtracker.

How to maintain payrolls in LCPtracker

Begin by logging into LCPtracker and navigating to the 'Payroll Records' tab.

Click the 'FHWA 1391 Additional Data Entry' button to begin entering information into your EEO Report.

Select the desired project and week end date from the drop-down menus, enter the data for the applicable workforce, then enter the name and title of the person submitting the information.

Note: Only projects marked as FHWA 1391/1392 projects by your Administrator will appear on this list. Use the same date that was used on the last performing pay period submitted for the certified payroll.

Entering Non-Prevailing Wage Job Categories in the FHWA 1391:

To enter any non-prevailing wage job categories, including managers, supervisors, foreman, and clerical workers and their respective demographics, such as gender and ethnicity, use the 'FHWA 1391 Additional Data Entry' section.

Submitting Performed Work Report:

- Click on the "1. Payroll Records" tab
- Click on "FHWA 1391 Additional Data Entry"
- Select the project and contract (if there are multiple contracts)
- Select "Week End Date" from the drop down menu.
- Enter workforce data under the columns labeled by ethnicity
- The columns with your totals, the "Total Employed" and "Total Minorities" will automatically be entered into the table.
- Enter your name, title, and electronic signature password (eSignature)

Submitting Non-Performance Information:

Contractors can also mark their FHWA Additional Data Entry submissions as non-performance by following these steps:

- Check the box beside "Non-Performance"
- Enter your name, title, and electronic signature password (eSignature)

To Verify Submitted Job Performance:

Contractors will be able to view the information submitted on behalf of their own company and any lower-tier subcontractors that have been hired for the project by running the FHWA 1391 Additional Data Entry Status Report.

This report provides a high-level overview of submissions into the FHWA Additional Data Entry that have been completed by the contractors for each project. In order to find out if your organization or any of your subcontractors have not completed or submitted their payroll and/or FHWA Additional Data, run the FHWA Contractor Submittal Report.

- Click on Reports tab
- Click 'Specialty Reports, AARA, HUD, Transit'
- Click on FHWA 1391 Additional Data Entry Status Report

- Enter the applicable date range for desired projects/payrolls
- Select the desired contractor
- Select the desired project
- Select desired entry under the "Sub To" drop down menu
- Click 'View Report'

| 1391 Additional Data Entry Status Report | | | | |
|--|--------------|---------------------------------|------------------|---------------|
| 2019 | | | | |
| Report Date: 7/23/2019 | | | | |
| Sr. No. | Contractor | Project | Sub To | Week End Date |
| 1 | D Goode Inc. | Annie Olivene Convention Center | Prime contractor | 07/18/2018 |

Page 1 of 1

(Source: [Contractor Reporting Guide](#), LCPtracker)

Additional Information

Job Categories: All employees on a project should have an assigned job category.

- Officials (Managers): Employees with management level responsibilities/authority; i.e. Officers, Project Engineers, Superintendents, etc.
- Supervisors: Any and all levels of supervision between management and foreman levels.
- Foreman/Forewoman: Men/Women directly in charge of laborers performing work on the project.
- Mechanics: Personally assisting with equipment service and/or maintenance.
- Laborers, Semi-skilled: All laborers classified by specialized work type.
- Laborers, Unskilled: All non-classified laborers.
- Others: Any other job categories are to be included in the most appropriate category listed previously.

Other Examples:

- Air tool operators and operators of power pavement saws, form setters, etc. should be listed as “Laborers - semi-skilled”
- Operators of paint striping trucks are not painters and should be listed as either “Truck Drivers” or “Equipment Operators”
- Flaggers should be listed as “Laborers - unskilled”
- Form builders are carpenters
- Form setters are laborers - Semi-Skilled
- Concrete finishers are cement masons
- Welders are included in ironworkers

List the employees who work in multiple classifications only once and in the classification in which they work the most frequently

Professional services with no DB wages are not required to report

Do not add categories

Race/Ethnic Identification:

- **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.
- **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **American Indian or Alaska Native (Not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- **Asian (Not Hispanic or Latino)** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including,

for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

- **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Two or More Races (Not Hispanic or Latino)** - All persons who identify with more than one of the above five races.
 - Employees are encouraged to only check one racial/ethnic identifier per employee.
 - If an employee claims to belong to two or more categories, they should select the 'Two or More Races' option.
 - If an employee is a member of two or more groups but self identifies with only one category, then they would select only the category they most identify with.
 - If an employee identifies as 'multi-racial' they will select 'Two or More Races'
- **White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

* In the event an employee declines to self-identify, Contractors can use employment records or observer identification to determine race/ethnicity.