Federal-Aid Highway Construction Contractors Annual EEO Report

Form FHWA-1391

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

July 2022

WHAT:

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 in order 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 on a project (i.e. they do not have certified payroll) during the month of July, then they are not required to submit information for that project.**

WHO:

Any Prime Contractor and subcontractor (regardless of tier) on active CDOT Federal-Aid Highway Construction projects where the contract/subcontract is **valued at $10,000 or greater** during the final full pay period of July must submit workforce employment information by Friday, August 10, 2022 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, with subcontracts of $10,000 and greater, are aware of, and in compliance with, reporting requirements.

WHEN:

All FHWA-1391 EEO Report information is to be submitted no later than Friday, August 10, 2021. Submissions made that do not follow these instructions cannot be guaranteed to be counted toward reporting requirements.

WHERE:

Contractors and subcontractors with payrolls kept in the LCPtracker system will submit their EEO reporting information via LCPtracker and can find the instructions for this process under the section titled '**For Projects with Payrolls Maintained in LCPtracker.**' Contractors and subcontractors working on Local Agency Projects (LAPs) or on projects which do not maintain payrolls in LCPtracker will submit a completed FHWA-1391 PDF Excel document to the project's

Prime Contractor, who will then send all submitted PDF Excel documents for the project to CDOT via email, and they can find the instructions for this process under the section titled '**For Local Agency Projects and Payrolls Not Maintained in LCPtracker**'.

For Projects with Payrolls Maintained in LCPtracker:

There are two components to reporting the FHWA 1391 information.

The first is for each contractor (as explained above) to report payroll for every employee working in the reporting week on the project as described above.

The second step is to log into LCPtracker and navigate to the 'Payroll Records' tab to report non-prevailing wage job categories.

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

To enter any non-prevailing wage job categories, including managers, supervisors, foremen, 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)

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.

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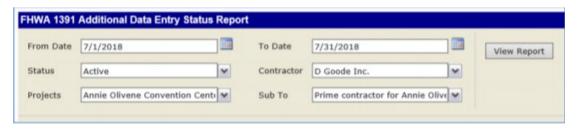
- Check the box beside "Non-Performance"
- Enter your name, title, and electronic signature password (eSignature)

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'

(Source: Contractor Reporting Guide, LCP Tracker)

For Local Agency Projects and Payrolls Not Maintained in LCPtracker:

Download the FHWA 1391 Excel Spreadsheet from CDOT's website:
https://www.codot.gov/library/forms/fhwa-other-forms/fhwa-1391

Prime Contractors and subcontractors will complete the information on the spreadsheet for each active CDOT federal-aid construction project. Be sure to include any company officials,

support staff, or supervisors, even those working from the home office who had support responsibilities as well as those who worked on projects even if they are not included on payrolls.

- **DO NOT** include <u>project personnel</u> if they are on the project only from time to time and do not have daily, on-site responsibility for project activity.
- **DO NOT** include <u>home office personnel</u> unless they are assigned exclusively to a project and appear on project payroll. This would involve primarily clerical personnel.
- **DO NOT** count project personnel or company trainees as apprentices or OJT's unless they are currently enrolled in a recognized and approved (by CDOT, US Department of Labor and/or FHWA) training program.
- **DO NOT** include OJT trainees/apprentices in Table A. Table B <u>and</u> C should be filled out and must correspond to one another.

In the Excel spreadsheet, the columns and rows shaded in green are locked and the program will automatically total individual columns.

Please complete the Excel Spreadsheet as follows:

<u>Block 1</u>: Check 'Contractor' or 'Subcontractor' (can also check both if acting as both a Prime and a Subcontractor on a project).

<u>Block 2</u>: Fill in the name and address, including city and state, of the contracting company.

<u>Block 3</u>: Enter the CDOT sub-account project (five-digit) number for the information being submitted.

<u>Block 4</u>: Enter the total dollar value of the project. This will be the amount for each contract or subcontract.

<u>Block 5</u>: Enter the region and location of the project (including county and city).

<u>Table A</u>: Enter the number of hired employees based on their race, gender, and job category. DO NOT include OJT and Apprentice information in this section.

<u>Table B</u>: Enter the number of Apprentices and OJT Trainees hired for the project based on race, gender, and job category. The amounts in this Table should match the amounts in Table C.

<u>Table C</u>: Enter the number of Apprentices and OJT Trainees hired for the project based on race and gender. The amounts in this Table should match the amounts in Table B.

<u>Block 8</u>: Enter the name and title of the employee responsible for entering the information on the form. Reminder, original documentation shall be signed and maintained by Contractors and subcontractors for a minimum period of 3 years.

<u>Block 9</u>: Enter the date that the report was completed.

<u>Block 10</u>: This section is for CDOT Office Use ONLY.

Once all information is complete, select 'File' and 'Save As' in Excel, and save the form as an Excel Spreadsheet (.xcl, .xclx). **DO NOT SAVE OR SUBMIT FORMS IN .PDF FORMAT, THEY WILL NOT BE ACCEPTED.**

Prime Contractors will submit a completed spreadsheet for each project which consolidates the workforce information provided by their subcontractors in their Excel forms. Subcontractors will submit a completed FHWA 1391 spreadsheet to their project's Prime Contractor for the Prime to reference when completing their report. Prime Contractors for Local Agency Projects and projects not maintained in LCPTracker will submit all completed spreadsheets via email to cdotcrcompliance@gmail.com. In the subject line please add '1391 Documents' and include the five-digit (sub/account) project number. Remember that Prime Contractors will submit ALL of the documents for themselves and their applicable subcontractors together for each project.

Additional Information

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

- o Officials (Managers): Employees with management level responsibilities/authority; i.e. Officers, Project Engineers, Superintendents, etc.
- o Supervisors: Any and all levels of supervision between management and foreman levels.
- o Foremen/Forewomen: Men/Women directly in charge of laborers performing work on the project.
- o Mechanics: Personally assisting with equipment service and/or maintenance.
- o Laborers, Semi-skilled: All laborers classified by specialized work type.
- o Laborers, Unskilled: All non-classified laborers.
- o 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 without Davis-Bacon wages are not required to report

DO NOT add categories

Race/Ethnic Identification:

- o **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.
- o **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- o **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.
- o **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.
- o **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.
- o **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'
- o **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.