

Federal-Aid Highway Construction Contractors' Annual EEO Report Form FHWA-1391

2024 Instructions for Contractors and Subcontractors on CDOT Federal-Aid Construction Projects

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, both Prime Contractors and subcontractors, regardless of their tier, with active federal-aid contracts valued at \$10,000 or more during the designated reporting period (see below). Accordingly, any subcontractors who also subcontracted project work to others will need to submit a report for their workforce as well. 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 your workforce's last **full** pay period ending in July.

NOTE: This report is for the last full PAY PERIOD in July, which is the last pay week in July that employees were on the jobsite. If employees were on the jobsite on the 2nd week of July but not after, you would report for the second week. You will enter non-performance in the case that no employees had been on the jobsite for the entire month of July.

If a contractor did not perform any work (i.e., they had NO certified payroll) during the month of July, they are not required to submit the FHWA 1391 information for that project.

Who:

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 23, 2024** in order to successfully complete their FHWA-1391 report as required. This is required only for projects receiving federal funding. Solely state-funded projects do not need to complete the FHWA 1391.

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.

Organizations performing only professional services and no onsite labor DO NOT need to complete the FHWA 1391 Report.

When:

All FHWA-1391 EEO Report information is to be submitted no later than **Friday, August 23, 2024**. Submissions made not following these instructions cannot be guaranteed to be counted toward reporting requirements.

Where:

For all federal-aid projects let by CDOT, contractors and subcontractors will submit their EEO reporting information via LCPtracker. For ALL CDOT projects let by local agencies outside of the city and county of Denver, they will also submit all 1391 data via LCPtracker just like all other projects.

Payrolls Maintained in LCPtracker:

All contractors listed above shall 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. If there are no projects listed in LCP drop down menu, then there will be nothing further to submit.

For reports being submitted via LCP Tracker, there is no need to attach additional documents.

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** also receiving certified payrolls, including managers, supervisors, foreman, and clerical workers, and their respective demographics, such as gender and ethnicity, use the 'FHWA 1391 Additional Data Entry' section following the instructions below.

You will only need to include information for non-prevailing wage employees who performed work on the actual project jobsite during the respective final full pay period in July. Information pertaining to other general labor employees who reported certified payrolls will automatically be counted by LCP Tracker and will not need to be included here. If no non-prevailing wage employees were actively working on the jobsite during July, you will submit a non-performance report instead using the directions below.

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:

If none of your employees were on the jobsite in July, you will set the Week End Date as 7/22/2024 and select the checkbox just below the drop down menu to enter non-performance for the project 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

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

For questions regarding submission of the FHWA 1391 Report in LCPtracker, please contact: L. Catherine Wood by email at leeda.wood@state.co.us or by phone at 720-990-7266.

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.