

1 STATE OF TENNESSEE  
2 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
3 PREVAILING WAGE COMMISSION MEETING  
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10 November 28, 2023  
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18 ORIGINAL  
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23 CASSANDRA M. BEILING, LCR# 371  
24 STONE & GEORGE COURT REPORTING  
25 2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.268.1244

## 1 APPEARANCES:

2 Deputy Commissioner DeWayne Scott, Chairman

3 Gwendolyn Whittaker, TDOT Designee  
4 TDOT Construction Resources Manager5 Ann McGauran, State Architect  
6 Tennessee Department of Treasury7 Stephen Wright  
8 Wright Brothers Construction Co.9 Scott Thompson  
10 Talley Construction Company

11 Chance Deason, Legal Counsel (not present)

12 Dan Bailey, Legal Counsel

13 Melissa Owens, Legal Counsel

14 Tom Herrod, Assistant Commissioner

15 Kenneth Nealy, Assistant Administrator

16 Lisa Watson, Director

17 Rachel Tate, Administrative Services Assistant 4

18 Jamie Diefenbach, Executive Administrative  
19 Assistant 3

## 20 Also Present:

21 Matthew Grove  
22 Tennessee Department of Labor & Workforce  
23 Development24 Brian Eagan  
25 Tennessee Department of Transportation26 Kent D. Starwalt, Executive Vice  
27 Tennessee Road Builders Association28 Amy Reese  
29 Vulcan Materials

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AGENDA

- I. Call to Order and Roll Call  
Gwen Whittaker, Ann McGauran,  
Scott Thompson, and Stephen Wright
- II. Conflict of Interest Declaration  
Completed forms for all members should be  
on file with TDLWF
- III. Adoption of Agenda
- IV. New Business  
Set 2024 Prevailing Wage Rates for State  
Highway Construction Projects
- V. Old Business  
Review possible changes to Survey Letter  
descriptions
- VI. Prevailing Wage Commission Meeting dates  
for 2024 (Tentative):
  - \* 1st Meeting                   September 12th
  - \* 2nd Meeting                   November 12th
  - \* 3rd Meeting                   November 26th
- VII. Adjournment

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2 CHAIRMAN SCOTT: It's 1:30,  
3 time for us to begin our Prevailing Wage  
4 Commission meeting. It is November the 28th at  
5 1:30, and we will call to order our meeting. And  
6 we'll begin with a roll call.

7 Gwen Whittaker?

8 MS. WHITTAKER: Here.

9 CHAIRMAN SCOTT: Ann McGauran?

10 MS. MCGAURAN: Here.

11 CHAIRMAN SCOTT: Scott  
12 Thompson?

13 MR. THOMPSON: Present.

14 CHAIRMAN SCOTT: And Stephen  
15 Wright?

16 MR. WRIGHT: Here, sir.

17 CHAIRMAN SCOTT: All right.  
18 We have a full board here and we will move forward  
19 with our next item, which is our conflict of  
20 interest. And I just want to make sure all  
21 members see Rachel Tate if you have not submitted  
22 your necessary paperwork for your conflict of  
23 interest, because they should be on file.

24 The next item will be the adoption of  
25 the agenda. I would request a motion to adopt the

1 agenda for this meeting, and a second.

2 MR. WRIGHT: I would move for  
3 adoption.

4 CHAIRMAN SCOTT: All right.

5 MR. THOMPSON: Second.

6 CHAIRMAN SCOTT: Motion and a  
7 second.

8 Any discussion?

9 (No verbal response.)

10 CHAIRMAN SCOTT: All in favor  
11 of accepting the adoption of the agenda as  
12 submitted, let it be known by stating "aye."

13 (Affirmative response.)

14 CHAIRMAN SCOTT: Any opposed?

15 (No verbal response.)

16 CHAIRMAN SCOTT: The agenda is  
17 adopted.

18 Our next item is to set the 2024  
19 prevailing wage rates for the State Highway  
20 Construction Projects, and we're going to turn it  
21 at this time over to Tom Herrod, our Assistant  
22 Commissioner, and ask him to lead that discussion.

23 Tom.

24 MR. HERROD: Thank you,  
25 Deputy Scott.

1           Last week, on the 20th, we set or  
2 proposed prevailing wages for all 25  
3 classifications. There was some discussion after  
4 the meeting regarding the calculation and the  
5 basis for it.

6           So as I understood Mr. Wright to say,  
7 and took it from there, that the changes would be  
8 a 4 percent increase, depending on whether you're  
9 using the survey rate or the current prevailing  
10 wage rate, and the 4 percent is always figured as  
11 the 4 percent of the current prevailing wage.

12           I have adjusted a spreadsheet, based  
13 on discussion and what is -- should make this  
14 easier for everybody to either understand my  
15 thinking or to make changes as needed.

16           You see two sets of columns. One,  
17 prevailing wage using the survey rate, and  
18 prevailing wage using the current prevailing wage  
19 rate.

20           Depending upon the number of  
21 responses, you're limited to one -- if you have  
22 zero responses, you can only use the prevailing  
23 wage rate, obviously, to adjust. If you have one  
24 to four responses for any particular craft, you  
25 have the option of using the survey rate or the

1 current prevailing wage rate. Five or more are  
2 required by statute to use the survey rate.

3 I have shown the proposed numbers for  
4 each of the classifications. And in the columns  
5 designated as Prevailing Wages and Survey Rate or  
6 using the prevailing wage rate, I have highlighted  
7 and circled in red the calculations that I did on  
8 that basis. So if that's not the wish of the  
9 Commission, we can use a different set of  
10 calculations based upon the restrictions of the  
11 statute. And the numbers are shown in those  
12 columns.

13 If, for example, you wanted it to be  
14 4 percent of the current prevailing wage rate down  
15 the board, I show in that column a 4 percent, kind  
16 of a darker background but lighter color, I call  
17 it ghosted. Those are the numbers that that would  
18 be. Sometimes they're more, sometimes they're  
19 less.

20 We can go down each one and just  
21 proceed on as we would, and you can choose  
22 which -- how you want that calculation to be. I  
23 just remind you that we're limited to, depending  
24 upon number of responses, what the max and min  
25 range should be for that.

1 MS. MCGAURAN: Tom, a quick  
2 question, just clarifying.

3 MR. HERROD: Yes.

4 MS. MCGAURAN: Based on what  
5 you just said, if I look at Craft 16 and Craft 18,  
6 it appears that you've got the prevailing wage  
7 using the prevailing wage rate circled in red even  
8 though that doesn't seem to be an allowable  
9 category.

10 MR. HERROD: Yes. That was a  
11 senior moment, as I explained to Brian and  
12 Wayburn, because they caught that also, and I just  
13 miscalculated. That's why when we get down to  
14 those, I would suggest we go in to use the  
15 prevailing wage that's circled in blue to be  
16 consistent, if you look at 16 and 18.

17 MS. MCGAURAN: Okay. Thanks.  
18 I just wanted to make sure I was understanding you  
19 correctly.

20 MR. HERROD: I was going to  
21 get to that, but that's okay. I admit my mistakes  
22 when I make them. Few and far between, but I do  
23 have them.

24 For example, on Blaster, on Craft  
25 Number 1, \$27.34, is that still the -- in



1 agreement with everyone for that wage?

2 CHAIRMAN SCOTT: So, Tom,  
3 you're just going to go item by item?

4 MR. HERROD: I'm going to go  
5 item by item, and then if there's any questions on  
6 the way down, we'll...

7 \$27.34 for Craft 1.

8 Craft 2, zero responses. 4 percent  
9 would be \$19.71.

10 Craft 3, choosing from the survey  
11 rate \$25.07.

12 Craft 4, using survey rate \$28.96.

13 Craft 5, \$26.21.

14 Craft 6, \$27.79.

15 Craft 7, \$26.60.

16 Craft -- I'm sorry. Yeah, Craft 8.  
17 Craft 8 is \$24.30.

18 Craft Number 9, the survey rate was  
19 exactly the same as the prevailing wage rate, so  
20 the 4 percent would be \$40.10.

21 Craft Number 10, \$36.54.

22 Craft 11, \$21.05.

23 Craft Number 12, \$26.93.

24 Craft 13, you have a choice there.

25 We talked about that and chose \$23.35.

1                   Craft 14, \$31.55.

2                   Craft 15, \$31.49.

3                   Craft 16, we said -- or I calculated  
4 \$29.35. It can be, to be consistent, \$29.23, your  
5 choice. Please let me know what your preference  
6 is.

7                   MS. MCGAURAN: I think it  
8 makes sense to keep it consistent and do \$29.23,  
9 but I defer to people who were at the last  
10 meeting.

11                   MR. HERROD: I ask the rest of  
12 the Commission your input on that. \$29.23?

13                   MR. WRIGHT: It doesn't matter  
14 to me.

15                   MR. HERROD: No matter. Okay.  
16 \$29.23 going once, twice. Sold.  
17 \$29.23 for that value.

18                   All right, the -- for Craft 17,  
19 \$36.45.

20                   Craft 18, to be consistent, it would  
21 be \$24.59.

22                   MS. MCGAURAN: I agree with  
23 that statement.

24                   MR. HERROD: Okay. Thank you.

25                   Craft 19, we chose to go with the

1 prevailing wage rate, \$30.62.

2           Craft 20, this was the one where we  
3 had to delete three entries and then estimate what  
4 that would be, and estimated \$25.50. So actually,  
5 \$25.93. To be consistent, I would say to go with  
6 \$25.93. Is that okay with everyone?

7           MS. MCGAURAN: I would agree  
8 with that statement.

9           MR. HERROD: Okay. Thank you.

10           Let me get my numbers in here  
11 quickly. Okay.

12           Item 22, \$24.29.

13           CHAIRMAN SCOTT: You do 21,  
14 Tom?

15           MR. HERROD: Yes. Thank you  
16 very much.

17           Okay. We'll get it right. Let me  
18 catch up on something right here real quick.

19           21, okay, \$24.63.

20           22, \$24.29.

21           23, seeing as how the survey rate was  
22 much less than the current prevailing wage, we  
23 chose to go to a maximum of 6 percent increase,  
24 \$28.85.

25           24, \$21.84.

1                   And Craft Number 25, \$28.04 since the  
2 survey rate was much lower than the current  
3 prevailing wage.

4                   The numbers we have just gone over  
5 are shown up here in green, I believe. We can  
6 review that.

7                   Does anybody have any -- or we can --  
8 any discussion, more, that needs to be made  
9 regarding those figures?

10                   MR. WRIGHT: I would move for  
11 their acceptance, Tom.

12                   CHAIRMAN SCOTT: Motion. Do  
13 we have a second?

14                   MR. THOMPSON: Second.

15                   CHAIRMAN SCOTT: Okay. Any  
16 discussion, further discussion, on the wage rate  
17 before a vote is taken on it?

18                   (No verbal response.)

19                   CHAIRMAN SCOTT: If not, all  
20 in favor of accepting the 2024 prevailing wage  
21 rates as have been submitted, shown on our sheets  
22 there, let it be known by stating "aye."

23                   (Affirmative response.)

24                   CHAIRMAN SCOTT: Any opposed?

25                   (No verbal response.)

1 MS. MCGAURAN: Can I just see  
2 16 through 20 on the screen? I just want to  
3 double-check those.

4 (Pause in the proceedings.)

5 MS. MCGAURAN: Thank you.

6 CHAIRMAN SCOTT: I have a full  
7 unanimous vote, so the wage rates are accepted and  
8 passed.

9 We'll move on to old business and  
10 discussion of the survey letter description.

11 And, Tom, you'll speak to that,  
12 please.

13 MR. HERROD: Yes, sir.

14 It was brought to our attention that  
15 the survey letter with the brief descriptions of  
16 the crafts, at least for Craft Number 11, was not  
17 consistent with what the rules read. We have  
18 looked at those.

19 The handout that you have, the one  
20 that's two pages and is highlighted in yellow is  
21 the current survey. The one that's in red here  
22 are changes to make it consistent with the rules  
23 that we have.

24 That item, for some reason, on  
25 Number 11, was using some description in Class D

1 Operator. We've changed that and a few others  
2 with some wording. And whether or not this needs  
3 to be accepted today or not is up to the  
4 Commission, or we do have a date scheduled next  
5 year to go over the survey letter in more detail,  
6 or at a time before that meeting, if there are  
7 certain crafts that need to be revisited as to  
8 their appropriateness for the prevailing wage.

9 So I just wanted you to know we have  
10 looked at it. There are some changes that need to  
11 be made for the upcoming year that appear in red,  
12 and all of this has been reviewed to make sure it  
13 does agree with the rules that we have.

14 Any discussion on that?

15 MS. MCGAURAN: I don't think I  
16 have anything that's in red.

17 CHAIRMAN SCOTT: It's one  
18 page, front and back.

19 MR. HERROD: It's a single  
20 page. I'm sorry. Yeah.

21 MS. MCGAURAN: Oh, okay.  
22 Thanks. All right.

23 Sorry. The other one was stapled.  
24 It threw me.

25 MR. HERROD: I know. Yeah.

1 The stapled one is the old one, the old language.  
2 The red one has the revisions on it.

3 MR. WRIGHT: Tom, I think we  
4 would -- or I would like to see, if possible, a  
5 review of four or five of the categories. I've  
6 got a list that I gave to Kenneth just a minute  
7 ago for Brian to look at. But there are several  
8 of these things that are outdated. For example --  
9 and I don't know that today is the day to settle  
10 it. I'm not asking for that. But the things like  
11 a three-quarter-yard excavator, when these rules  
12 were adopted, was a big one. Today it's a little  
13 one.

14 I would think that like -- much like  
15 we did cranes a few years back, we had big and  
16 little. There's two different skill sets in  
17 operating a 400,000-pound excavator versus a  
18 30,000-pound excavator and loading big, heavy  
19 equipment.

20 So I would propose figuring out what  
21 the appropriate split is. My just walking-down-  
22 the-road guess would be a 60,000-pound excavator  
23 being a large Class A, and then a less-than-  
24 60,000 -- what's that, a 330 size, isn't it,  
25 Scott?

1 MR. THOMPSON: Uh-huh.

2 MR. WRIGHT: You know, so  
3 that's a smaller utility riprap. Small utilities,  
4 have that in a different category that would, in  
5 theory, be in a lower scale.

6 In my childhood, virtually every  
7 surface of road was prepared by a motor grader,  
8 and you had a finish operator and a rough  
9 operator. Today, much of it is done with  
10 GPS-equipped small bulldozers. Articulated blade  
11 does the same thing. There's a lot of things  
12 placed on grade that are not done with motor  
13 graders.

14 I would think the skill set that goes  
15 with finishing the top of that road or the slopes  
16 with the GPS-equipped motor grader is commiserate  
17 with what a -- what used to be the grouchy old  
18 motor grader operators.

19 That's true, isn't it, Scott?

20 MR. THOMPSON: Uh-huh.

21 MR. WRIGHT: And, you know,  
22 those kind of parallel, you know, so if I were  
23 editing, I would make there a rough bulldozer  
24 operator just like there's a rough motor grader  
25 operator. I can't remember, looking at it.



1                   MR. THOMPSON: It would be a  
2 finish dozer. You can just put the word "finish."

3                   MR. WRIGHT: Finish dozer in  
4 the Class A and then the rough dozer in whatever  
5 is lower.

6                   I know that the excavator is real  
7 because if you start an operator out on a smaller  
8 one and you let them do stuff that's not  
9 significant, if you put them in a high-production  
10 situation like loading dump trucks or to head out  
11 on a highway every day, that's a different skill  
12 set. And, you know, I would think it should be  
13 rewarded versus everybody that gets on something  
14 bigger than a -- that you would have in your back  
15 yard being paid the same scale. That would be  
16 what I'm advocating for there. And I forgot what  
17 else was on that list.

18                   And as I read through here, I see  
19 that in the truck drivers we have in the notes,  
20 this includes on-highway truck drivers. I think  
21 there's a lot of confusion in how you pay off-road  
22 truck drivers. And I think we should clear that  
23 up somehow.

24                   The articulated trucks that have six  
25 wheels on them, you see them everywhere sitting

1 around nowadays, I think they should be mentioned  
2 and called out here somewhere because I guarantee  
3 you that if you look through it, that the people  
4 driving, operating those articulated, unlicensed,  
5 no CDL required, are in one of these three  
6 categories, 2 or 3 axles or 4 axles.

7           It depends -- I would -- if it were  
8 totally up to me, I would make these crafts, 21,  
9 2, and 3, for people that are licensed on-the-road  
10 drivers or trucks that are licensed to be on the  
11 road. And then just put one thing up here, A, B,  
12 or C Operators for off-road equipment -- that's  
13 hauling equipment that doesn't leave the job.

14           MR. THOMPSON: Under Class B,  
15 it spells out articulated dump trucks, rigid dump  
16 trucks.

17           MR. WRIGHT: I should have  
18 read that. I must have been complaining about  
19 that three years ago.

20           MR. THOMPSON: "Heavy-duty  
21 off-road trucks to include" -- da da da da da da.

22           MR. WRIGHT: Okay. So what  
23 I'm talking about there has really been done. If  
24 you --

25           MR. THOMPSON: Well, you know

1 what their problem is. The new one doesn't say  
2 that and the old one does.

3 MR. HERROD: Okay. Well, we  
4 can make sure that change is made. Not so hard to  
5 do.

6 MR. WRIGHT: But those things,  
7 it didn't -- I have no idea how to do it, but if  
8 we can clean up the diamond grinding, tunnel  
9 sweeping versus -- I don't even understand that  
10 well enough to say anything.

11 But if we could do that and maybe  
12 just have a working group to circulate some stuff  
13 around and try to get that to where it's  
14 thoroughly read through in a quiet setting and try  
15 to bring something back next year that proves  
16 better. I don't know what's required to change  
17 the rules. I don't remember.

18 MR. HERROD: I'll ask counsel.

19 What we can do is, as you say, get  
20 this updated correctly by each one and then ask  
21 for changes from the group as -- outside this  
22 meeting and then come together and have another  
23 meeting that's a little more comprehensive, where  
24 we have more time to really scrutinize these  
25 things.

1           Mr. Bailey, can you comment on rule  
2 changes?

3                   MR. BAILEY: Well, the last  
4 time we did the rules, it was mainly a back and  
5 forth of emails between the Commission.

6                   MR. WRIGHT: I remember it.

7                   MR. BAILEY: You remember  
8 that?

9                   MR. WRIGHT: Yeah.

10                  MR. BAILEY: It was back and  
11 forth until everybody was satisfied. Okay, this  
12 is the right description for this particular  
13 classification. I think we added some  
14 classifications at that time. It's been only  
15 about four or five years ago, I think.

16                  But you're saying the equipment has  
17 advanced quite a bit since then, so the rules need  
18 to reflect that. So, I mean, I'm not going to be  
19 the one doing it. Ms. Owens will be, but that's  
20 the way we did it last time. Just back and forth  
21 with emails about what classifications to add, how  
22 to describe them.

23                  And then once everybody was happy  
24 with that, then I put that together in the rule  
25 package where, you know, did the red line version,

1 and then you submit it to the Attorney General's  
2 office, and they approve it. Then you submit it  
3 to the Secretary of State's office.

4 At that time, we did what was called  
5 proposed rulemaking, which didn't require us to  
6 have a public hearing. But now the Governor's  
7 office requires all rules to have a public  
8 hearing. So you'd have to go through the  
9 rulemaking hearing process, which is a little more  
10 cumbersome. But that's how you get it done.

11 MR. HERROD: Okay. So what  
12 you're saying is, we can have some back-and-forth  
13 emails?

14 MR. BAILEY: Sure. Sure.

15 MR. HERROD: And then bring it  
16 together, then come together at a public meeting.

17 MR. BAILEY: Yeah. I think  
18 the people in the industry, you know, who knows  
19 the types of jobs that are out there and how the  
20 rules don't reflect what maybe is actually out  
21 there, generate it, you know, get it started by  
22 submitting an email saying, you know, this job,  
23 this job, and this job, we don't even cover in our  
24 rules anymore -- or don't even have them in our  
25 rules. We need to put them in there. Or this

1 classification, this classification, this  
2 classification are currently in our rules and we  
3 don't even use that classification anymore.

4 I mean, someone in the industry needs  
5 to get that ball rolling. And then, you know, the  
6 people on the Commission and the people in the  
7 Prevailing Wage Unit can chime in with, you know,  
8 their opinions on things, and then eventually it  
9 gets worked out to, okay, we all agree on this,  
10 and then you bring it to a meeting.

11 MR. HERROD: All right. So  
12 Mr. Wright could start the ball rolling, or  
13 Mr. Thompson?

14 MR. BAILEY: Sure.

15 MR. HERROD: And then we can  
16 have the proper --

17 MR. BAILEY: Either one.

18 MR. WRIGHT: And TDOT.

19 MR. THOMPSON: That's the way  
20 we've got to submit it, but TDOT has got to agree  
21 to it.

22 CHAIRMAN SCOTT: Tom, what  
23 would need to be the time frame? I would think  
24 you want to have this done before survey next  
25 year.

1 MR. HERROD: Yes, sir. If  
2 possible, yes.

3 CHAIRMAN SCOTT: So what's the  
4 timeline, Dan, that would need to be happening?

5 MR. BAILEY: Well, usually,  
6 the first meeting is in August, right?

7 MR. HERROD: Well, we'll have  
8 a meeting in September to talk about survey later.

9 MR. BAILEY: Okay.

10 MR. HERROD: So we need to do  
11 this at the end of the --

12 MR. THOMPSON: Prior to that.

13 MR. HERROD: Say the beginning  
14 of the second quarter, April timeframe. Would  
15 that be --

16 MR. WRIGHT: What is the  
17 proposed rule -- the rulemaking timeframe? Is  
18 that a 90-day published hearing?

19 MR. BAILEY: First of all, I  
20 don't know how long it will take for everyone to  
21 decide, okay, these are the changes we want to  
22 make. Once that's done, then you have to have a  
23 rulemaking hearing, and there's an amount of time  
24 that you've got to give for that, for the public  
25 to come in and offer comments, and then you've got

1 to respond to the comments.

2           And then you've got to submit it to  
3 the Attorney General's office, and they usually  
4 sit on it, depending on how complicated it is,  
5 three or four weeks before they send it back. And  
6 then once you submit it -- once they approve it  
7 and you submit it to the Secretary of State's  
8 office, the rules become effective 75 days from  
9 the date of submission.

10           So if you want it to be in effect  
11 before September of next year, you're going to  
12 have to get it finalized and submitted to the  
13 Secretary of State's office by, what, June?  
14 Something like that.

15                   CHAIRMAN SCOTT: Melissa, can  
16 you create a timeline?

17                   MS. OWENS: So Dan has not  
18 been on all of these, but we are changing the  
19 rulemaking process. We will be working through  
20 Esper, so it won't be documented the same way that  
21 it has been historically. It will be all  
22 digitized, and things will be moving  
23 electronically instead of manually.

24           But there are -- within that program  
25 now, there are set timeframes. And I think the



1 A.G.'s office gave themselves 45 days, so it could  
2 take up to 45 days with them.

3 I think if you want this done before  
4 September, we're going to have to be very  
5 aggressive in how we go about this. But the  
6 timelines are -- it's going to be tight.

7 MR. WRIGHT: When we have to  
8 work for Ms. Gwen and Mr. Brian, we have to figure  
9 out when the end date is and work backwards on  
10 that.

11 So what I heard you say was 75 days  
12 for it to take effect once it's all approved, 45  
13 with the A.G.'s office, and then what is the rest  
14 of it?

15 MS. OWENS: So there's several  
16 processes that it will go through. And I don't  
17 have all this in front of me right now, but  
18 several approval processes at this level. Our  
19 Commissioner has to sign off on it. We can take  
20 this conversation offline as well, but I think if  
21 this is something we want to pursue, we need to  
22 pursue it quickly.

23 I do know that right now, the  
24 Governor's office, and through the Esper project,  
25 their priority is the rules that have been

1 designated -- that have to change because they're  
2 not compliant with current law. So I don't know  
3 where this falls within the overall priority as  
4 well. So several different things to take into  
5 consideration, but if this is something we want to  
6 pursue, we need to pursue it quickly.

7 MR. WRIGHT: Would April 1  
8 work?

9 MS. OWENS: To have it ready  
10 to submit, I think that's probably what we're  
11 looking at, yeah.

12 MR. THOMPSON: How many days  
13 does TDOT need to review? Gwen, Brian, how many  
14 days do you want?

15 MR. EAGAN: We need a couple  
16 of weeks, easily. I'm just looking at the rules,  
17 and I'm seeing several conflicts in descriptions  
18 in the rules and in the questionnaires. For  
19 example, the articulated truck we just talked  
20 about, that is showing up as a truck driver, 5 or  
21 more axles as well, which Steve just mentioned.

22 So I think these proposals are needed  
23 just to get things clarified, updated, and avoid  
24 any potential ambiguities that may be in these  
25 different pieces of equipment and what they do,

1 so...

2 MR. WRIGHT: Do you think we  
3 could have it done by the 1st of April?

4 MR. EAGAN: I think it's  
5 reasonable. It's a matter of when -- obviously,  
6 when it starts and who's doing it, and having a  
7 schedule and a deadline to meet April, yes.

8 MR. THOMPSON: Completion  
9 dates. And immediate completion dates are needed  
10 for this.

11 MR. EAGAN: Exactly.  
12 Milestones. L.D. is in charge if we don't get it.

13 MS. MCGAURAN: I would like to  
14 request, like they said previously, Melissa, if  
15 you would put together a timeline of where this  
16 Commission needs to be at their finish point.  
17 Then the Commission members can then build it back  
18 from that point to say what it takes for this  
19 Commission to get there. I think it would be  
20 helpful to see it both ways.

21 MS. OWENS: Okay.

22 MR. WRIGHT: Thank you for  
23 considering.

24 CHAIRMAN SCOTT: Okay.

25 MS. MCGAURAN: I would also

1 like to request that if we ever see these again  
2 like this, that any text that's removed be  
3 stricken through so we can see what you took out,  
4 not just what's been added or read. I only say  
5 that because they were talking about that Class B.  
6 There's a number of text from the previous version  
7 that's been removed. I don't know which other one  
8 had text removed. So anytime we remove text, it's  
9 helpful to see that stricken through in addition  
10 to what's been added.

11 MR. HERROD: We will do that.

12 MR. WRIGHT: A living  
13 track-trace Word file works good for some of us.

14 MR. HERROD: All right.

15 That's all I have.

16 CHAIRMAN SCOTT: Okay. The  
17 meeting dates for 2024 proposed, our first meeting  
18 being on September the 12th, second on November  
19 the 12th, and the third prevailing wage meeting  
20 being on November 26 of 2024.

21 MS. MCGAURAN: We would have  
22 to have another earlier meeting, obviously, for  
23 these rules, right?

24 And then I would also like to request  
25 that the September 12th meeting be in the

1 afternoon. These typically are. But I just want  
2 to put that on the record because I have another  
3 commission meeting that morning.

4 CHAIRMAN SCOTT: That won't be  
5 a problem there, Ms. McGauran.

6 And for the meeting dates for review  
7 of the proposed changes to the survey, does that  
8 need to be sometime in March?

9 MR. HERROD: I think you're  
10 right. It's got to be no later than March if  
11 we're going to have this ready by April the 1st.  
12 We will look at Melissa's schedule and try to put  
13 some milestones together and figure out when the  
14 start date has to be and have some cushion in  
15 there to make it happen by April 1st.

16 CHAIRMAN SCOTT: Do we want to  
17 set the March date right now while everyone is  
18 here, to schedule the March date?

19 MR. HERROD: That's fine.

20 MS. MCGAURAN: We might need a  
21 larger calendar to actually be able to set the  
22 date. I mean, we'll need to know when things need  
23 to be ready and then -- you know, because TDOT has  
24 to be able to review it and some of those things.

25 MR. HERROD: I mean, we can

1 set a tentative date of March the 4th and just  
2 work off of that and make it earlier if necessary.  
3 Or you're traveling. March the 5th since you're  
4 traveling. March 5th, that's okay.

5 MR. THOMPSON: That's Day on  
6 the Hill.

7 CHAIRMAN SCOTT: It is. Okay.

8 MR. HERROD: All right.  
9 Another date in March. First full week in March.

10 MR. THOMPSON: We could do  
11 March the 6th.

12 MR. STARWALT: It would have  
13 to be afternoon.

14 MR. HERROD: March 6th. Is  
15 that okay? In the afternoon?

16 MR. THOMPSON: Afternoon.

17 CHAIRMAN SCOTT: Afternoon.

18 MS. MCGAURAN: Actually, I  
19 can't do March the 6th in the afternoon. I have  
20 another conflict.

21 MR. HERROD: March 7th?

22 MR. THOMPSON: That means I've  
23 got an appointment up here. That's fine.

24 MR. WRIGHT: This is still  
25 hunting season.

1 MR. HERROD: March the 7th.  
2 Let me ask you this: To give us more time, do you  
3 think a 9:00 o'clock meeting to get started will  
4 be okay?

5 MR. WRIGHT: Yes.

6 MR. HERROD: Okay. 9:00 on  
7 March the 7th.

8 MS. MCGAURAN: Oh, shoot.

9 MR. HERROD: Okay. I spoke  
10 too soon.

11 MR. WRIGHT: Just to be  
12 honest, the next week would be much better for me  
13 because I'm out of the country for most of that  
14 week.

15 MR. HERROD: Okay.

16 MS. MCGAURAN: I would agree  
17 as well.

18 MR. HERROD: All right.

19 MS. MCGAURAN: Any day but the  
20 14th.

21 MR. HERROD: Let's do March  
22 the 12th at 9:00. That's a Tuesday. March 12th  
23 at 9:00, tentative date.

24 CHAIRMAN SCOTT: And from a  
25 planning standpoint, what I heard is -- Melissa,

1 so really, April 1st needs to be the date when  
2 everything is done, because you guys are working  
3 on the schedule prior to then, correct? So that  
4 date of having it all ready is April the 1st, and  
5 you're working on everything.

6 MR. WRIGHT: I would assume,  
7 if it's okay, that we would do an email working  
8 group and do all our note collecting and taking  
9 and discussing and bantering around. And then if  
10 we're going to have a meeting before we turn it  
11 in, do that and say, okay, is this what everybody  
12 agreed to, then vote on it.

13 MR. HERROD: Okay.

14 MR. WRIGHT: Is that logical?

15 MR. HERROD: That's good.

16 CHAIRMAN SCOTT: Tom, your  
17 team will initiate that email?

18 MR. HERROD: Yes.

19 CHAIRMAN SCOTT: Okay.

20 MR. HERROD: Yes. I would  
21 like some input, initial email so we can get  
22 started.

23 MR. WRIGHT: If you can send  
24 us a live Word document of the classification.

25 MR. HERROD: Yes. We will.



1 MS. MCGAURAN: Can I recommend  
2 maybe something like a Cloud set of documents that  
3 people could work on so everybody can be looking  
4 at the same set as opposed to multiple emails?  
5 Just throwing it out there.

6 MR. HERROD: We will try that  
7 technology. It's a good opportunity.

8 MS. MCGAURAN: I think  
9 MS Teams allows you to do that as well.

10 CHAIRMAN SCOTT: So  
11 March 12th, 9:00 a.m., is the date that's been  
12 added to the 2024 calendar.

13 Any other discussion items from the  
14 commission?

15 (No verbal response.)

16 CHAIRMAN SCOTT: A motion to  
17 adjourn?

18 MR. THOMPSON: So moved.

19 CHAIRMAN SCOTT: Second?

20 MS. MCGAURAN: Second.

21 CHAIRMAN SCOTT: All in favor  
22 say "aye."

23 (Affirmative response.)

24 CHAIRMAN SCOTT: Opposed?

25 (No verbal response.).

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CHAIRMAN SCOTT: Meeting is  
adjourned. Thank you.

END OF PROCEEDINGS.

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C E R T I F I C A T E

STATE OF TENNESSEE )  
COUNTY OF WILLIAMSON )

I, Cassandra M. Beiling, a Notary Public  
in the State of Tennessee, do hereby certify:

That the within is a true and accurate  
transcript of the Prevailing Wage Commission  
Meeting taken on the 28th day of November, 2023.

I further certify that I am not related to  
any of the parties to this action, by blood or  
marriage, and that I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 11th day of December, 2023.



A handwritten signature in blue ink that reads "Cassandra M. Beiling".

-----  
Cassandra M. Beiling, LCR# 371  
Notary Public State at Large  
My commission expires: 3/10/2024