

1 STATE OF TENNESSEE
2 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
3 PREVAILING WAGE COMMISSION MEETING
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10 March 26, 2024
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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 Ann McGauran, State Architect
Tennessee Department of Treasury5 Scott Thompson, Industry Representative
6 Talley Construction Company7 Stephen Wright, Industry Representative
Wright Brothers Construction Co.

8 Chance Deason, Legal Counsel

9 Tom Herrod, Assistant Commissioner

10 Jamie Diefenbach, Executive Admin. Asst. 3

11 Rachel Tate, Admin. Services Asst. 4

12 Tia Xixis, Chief of Staff

13 Matthew Grove, Legislative Liaison

14
15 Also Present: Kent D. Starwalt
Tennessee Road Builders Association

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AGENDA

- 1
- 2 I. Call to Order and Roll Call
- 3 II. Introductions and Announcements
- 4 *Conflict of Interest Declarations
5 Completed forms for all members should be
6 on file with the department
- 7 III. Adoption of Agenda
- 8 IV. Approval of Meeting Minutes and Transcripts
- 9 *November 20, 2023
*November 28, 2023
- 10 V. Review and Approve Revisions to Prevailing
11 Wage Commission Rules
- 12 VI. Announcements
- 13 Future Prevailing Wage Meeting Dates:
- 14 *September 12, 2024, at 1:30 p.m.
*November 14, 2024, at 1:30 p.m.
*November 26, 2024, at 1:30 p.m.
- 15 VII. Adjournment
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DEPUTY COMMISSIONER SCOTT: Okay.
We're going to call to order our Prevailing Wage
Commission Meeting for Tuesday, March 26, 2024.

My name is Dewayne Scott, Deputy
Commissioner. I'm sitting in for our Commissioner
today.

We'll call to order and do our roll
call, if you will acknowledge when I call your
name.

Gwen Whittaker?

MS. WHITTAKER: Here.

DEPUTY COMMISSIONER SCOTT: Ann
McGauran?

(No response.)

DEPUTY COMMISSIONER SCOTT: Scott
Thompson?

MR. THOMPSON: Present.

DEPUTY COMMISSIONER SCOTT: Stephen
Wright.

MR. WRIGHT: I am here, sir.

DEPUTY COMMISSIONER SCOTT: Okay. We
have three for a quorum, so we'll move forward.

I want to make the announcement that
if there's any conflicts of interest declarations,

1 that those would be made before any votes take
2 place and all the completed form for the
3 membership be on file. If you don't, please see
4 Rachel Tate, and she can get those done for you,
5 those conflict of interest forms. Okay?

6 Our first order of business will be
7 the adoption of our agenda, and members should
8 have those in front of you or have received those
9 earlier.

10 MR. WRIGHT: Is it too late to count
11 Ms. Ann as present?

12 DEPUTY COMMISSIONER SCOTT: It is
13 not.

14 MS. MCGUARAN: Sorry.

15 DEPUTY COMMISSIONER SCOTT: Ann, how
16 are you doing?

17 MS. MCGUARAN: Doing good.

18 MR. WRIGHT: I would move for
19 adoption of the agenda.

20 DEPUTY COMMISSIONER SCOTT: Okay.

21 MR. THOMPSON: Second.

22 DEPUTY COMMISSIONER SCOTT: Motion
23 and a second.

24 Any questions or discussion about
25 minutes?

1 MR. HERROD: Of the agenda.

2 DEPUTY COMMISSIONER SCOTT: Of the
3 agenda. I'm sorry.

4 Thank you, Tom.

5 (No verbal response.)

6 DEPUTY COMMISSIONER SCOTT: All in
7 favor of adopting the agenda as presented, state
8 by "aye."

9 (Affirmative response.)

10 DEPUTY COMMISSIONER SCOTT: Any
11 opposed?

12 (No verbal response.)

13 DEPUTY COMMISSIONER SCOTT: No
14 opposition. Motion carries and we will follow the
15 agenda that's been adopted.

16 The second order of business here is
17 to approve -- got two sets of minutes to approve.
18 First, November 20, 2023. We need to approve the
19 transcript of that meeting. I'm going to ask for
20 a motion and a second to do that.

21 MR. THOMPSON: So moved.

22 DEPUTY COMMISSIONER SCOTT: Moved by
23 Scott. And second?

24 MS. WHITTAKER: Second.

25 DEPUTY COMMISSIONER SCOTT: Second by

1 Ms. Whittaker.

2 Okay. All in favor of accepting the
3 minutes as submitted, let it be known by stating
4 "aye."

5 (Affirmative response.)

6 DEPUTY COMMISSIONER SCOTT: Any
7 opposed?

8 MR. DEASON: Before you take the
9 vote -- I'm sorry. I apologize. It would
10 probably be best if we recognize on the record
11 that Ms. McGauran is here.

12 DEPUTY COMMISSIONER SCOTT: Okay. We
13 didn't do that? Okay.

14 MR. DEASON: Yes.

15 DEPUTY COMMISSIONER SCOTT: So Ann
16 McGauran has arrived and we have all four members.

17 MS. MCGUARAN: Right.

18 DEPUTY COMMISSIONER SCOTT: State by
19 "aye."

20 MS. MCGUARAN: Aye. And I was here
21 for the last two votes.

22 DEPUTY COMMISSIONER SCOTT: Okay.

23 MR. DEASON: Thank you.

24 DEPUTY COMMISSIONER SCOTT: Thank
25 you, sir. Thank you.

1 So we have the first set of minutes
2 approved, for the November 20.

3 Next, I'll ask for a motion to
4 approve the transcript of minutes for the 11/28
5 meeting.

6 MS. MCGUARAN: So moved.

7 DEPUTY COMMISSIONER SCOTT: I have a
8 motion.

9 MR. WRIGHT: Second.

10 DEPUTY COMMISSIONER SCOTT: And a
11 second.

12 All in favor of accepting minutes as
13 accepted, let it be known by stating "aye."

14 (Affirmative response.)

15 DEPUTY COMMISSIONER SCOTT: Any
16 opposed?

17 (No verbal response.)

18 DEPUTY COMMISSIONER SCOTT: Motion
19 carries. And the minutes for 11/28 are approved
20 as well.

21 Next item on our agenda is approval
22 of revisions to the Prevailing Wage Commission
23 Rules. And we're going to ask our general
24 attorney, Chance Deason, to review the revisions
25 with everyone, and then we'll do the vote on those

1 after you've done that.

2 Chance.

3 MR. DEASON: Thank you, Deputy
4 Commissioner Scott.

5 So this is a -- these rules, as you
6 know, is a tedious process. I've received a lot
7 of input from you-all. We certainly appreciate
8 that. So what I have -- or let me tell you this:
9 We statewide adopted this -- or contracted with
10 this company called Esper, which used to, we would
11 fill out paper forms and take them down to the
12 Secretary of State's office.

13 Now, along with a lot of other things
14 in life, this is done digitally where we can file
15 and make changes and revisions and all that kind
16 of thing within their program. So that's what I
17 have up here on the screen.

18 And I believe Tom sent you a clean
19 copy of the rules as -- if we've got all this
20 right in here, this should look like this. When
21 we go to the Secretary of State's office, we might
22 still have a couple of small formatting issues.
23 And there are definitely some in this program, so
24 I'm going to have to get help from the people at
25 that company because our admin can't do it and I

1 certainly can't.

2 But on the screen, you're going to
3 have the -- let me scroll down -- you're going to
4 have the red-line version, and then you'll have
5 the clean copy in front of you to compare. But I
6 just kind of want to go down the list where you've
7 got the whole chapter pulled up, and the reason
8 for that is that I want to make sure there's no
9 changes needed in anything else. At this point,
10 though, only Section .01 and Section .02 are what
11 you-all have provided input for to change, mostly
12 the definitions and classifications.

13 It's probably of no interest to you,
14 but while we're doing this, I'm going to submit a
15 change to the records copy fee, just to make it so
16 if the amounts in here change, it tracks the Open
17 Records Counsel's, so we don't have to go back and
18 change the rule again. That's just kind of a
19 housekeeping matter.

20 So like I said, I'll go through this,
21 and you can see the red lines in there and follow
22 along. However, if you can't see it, let me know.
23 If you have questions or suggestions for how I can
24 do it better, please let me know that too.

25 But if it's okay with you-all, I'll just

1 start with the ones we identified that need to be
2 changed. And I don't know. Should we -- I didn't
3 think about this. Should we take a vote on each
4 one to accept? It would probably be better.

5 MR. HERROD: That's fine.

6 MR. DEASON: Because we might not
7 accept them all in totality or we might want to
8 change some more.

9 MR. HERROD: I suppose it would take
10 that much longer to vote on each one if that's...

11 MS. MCGUARAN: Another way we could
12 potentially do it is have discussion and keep
13 moving, and then we could vote at the end on
14 the -- on what was presented and revised.

15 MR. DEASON: Excellent idea. That's
16 the way to do it. Thank you. Okay.

17 All right. So it's 0800-03-02-.01.
18 And Number 1(c), it was recommended that
19 definition of "Covered Worker" means a worker
20 employed on a state highway construction project.
21 Prior to any changes, it said "state construction
22 project." But for clarification and to follow the
23 statute, I believe, we wanted to add the word
24 "highway" in there.

25 MS. MCGUARAN: That's helpful.

1 DEPUTY COMMISSIONER SCOTT: Any
2 discussion on (c)?

3 (No verbal response.)

4 MS. MCGUARAN: I think it's a good
5 catch.

6 MR. DEASON: And then we go to
7 Number 2 in that same first section. And also,
8 to, I think, provide for more clarity, make it
9 follow the statute better, we added a phrase -- or
10 a couple of words and phrases in here. "Tennessee
11 Prevailing Wage Rates apply to," and added the
12 following to clarify, "any state agency, any
13 municipality, county, or other political
14 subdivision of the State and" -- and then after
15 that, it follows what was already in there, "any
16 highway contractor," et cetera.

17 Any clarification needed on that?

18 MS. WHITTAKER: So if you go through
19 there, it says, "and any highway contractor
20 entering into a state contract for the performance
21 of work." Is that "state" needed? Or since
22 you've clarified that it's any state agency, any
23 municipality, would it be better to say "any
24 highway contractor entering into a contract for
25 the performance of work on state highway

1 construction"?

2 MR. DEASON: We can certainly --

3 MS. WHITTAKER: Does that clarify or
4 make it worse?

5 MR. DEASON: I don't think it will
6 hurt anything to strike that.

7 MS. MCGUARAN: I have a quick
8 question. Is it state construction projects or
9 state highway, or construction projects on state
10 highways?

11 MR. THOMPSON: Construction projects
12 on state highways.

13 MR. WRIGHT: And the discussion at
14 the last meeting was to settle the one we've been
15 having for years. And the belief of this group
16 two weeks ago was that if it had state money in it
17 or federal money that comes through the State's
18 hands, even if it's, you know, the county of --
19 Pickett County, that it should -- the prevailing
20 wage should apply.

21 MS. MCGUARAN: So they would be
22 deemed to be a -- so a municipal would be deemed
23 to be a state contract?

24 MR. DEASON: I believe that's why
25 "other political subdivision of the State" was

1 added in there too, because there was confusion.

2 MR. WRIGHT: See, all of that -- it
3 just said "any highway contractor." So every time
4 some agency that isn't TDOT -- they assumed it was
5 TDOT only. But if we want the best information
6 available and to see that a living wage is paid to
7 the people that do county government work, if we
8 can do our best to ensure that the local
9 governments know that they need to see that a
10 prevailing wage is paid, I think we've done some
11 good, in my opinion.

12 And then from a selfish standpoint, I
13 probably signed a conflict of interest on this.
14 If we're paying and competing with Jim Bob's Tree
15 Service that's -- you know, that's borrowed
16 somebody's asphalt spreader and has got four
17 minimum wage guys out there doing a poor job,
18 that's not the way the State's money should be
19 spent, in my opinion. And I think everyone agreed
20 with it.

21 MS. MCGUARAN: I was just -- so I
22 concur with the suggestion of removing "state"
23 from "state contract." So it could say, "into a
24 contract for the performance of construction
25 projects on a state highway"?

1 MR. WRIGHT: Then you separate TDOT
2 back out again.

3 MR. DEASON: I think that needs to
4 stay the same because I believe that follows the
5 statute as well as state highway construction
6 projects.

7 MS. MCGUARAN: Okay.

8 MR. DEASON: We really want to
9 avoid -- even if it wasn't ideally crafted and
10 written in the first place, we want to do what we
11 can to avoid confusion. And --

12 MS. MCGUARAN: I agree. I didn't
13 understand. Okay.

14 DEPUTY COMMISSIONER SCOTT: Chance,
15 on Number 2, the only thing you're striking is
16 "state" in front of "contract," in the first
17 sentence; is that correct?

18 MR. DEASON: That will be -- let's
19 see.

20 MS. XIXIS: But then you've got to
21 change the definition of the defined term above in
22 the state contract.

23 MS. MCGUARAN: Oh, state contract.

24 MR. WRIGHT: I think it's perfect
25 like it is, myself.

1 MS. MCGUARAN: Okay.

2 MR. WRIGHT: Just me. Because, see,
3 if you go up, you have the definition of a "state
4 contract," and that's using that same term again.

5 DEPUTY COMMISSIONER SCOTT: Yeah.
6 It's a little redundant.

7 MR. WRIGHT: And all of these
8 terms -- all of the terms that are used in
9 paragraph 2 are defined above it, I believe. Is
10 that right?

11 DEPUTY COMMISSIONER SCOTT: It is.

12 MR. DEASON: Yeah. That would follow
13 the definitions. It's probably best to just leave
14 that.

15 DEPUTY COMMISSIONER SCOTT: Okay.

16 MR. WRIGHT: Are you good with that,
17 Gwen?

18 MS. WHITTAKER: Yes.

19 DEPUTY COMMISSIONER SCOTT: So no
20 changes to Number 2?

21 MS. MCGUARAN: No.

22 MR. DEASON: No changes.

23 All right. Now we can move to
24 0800-03-02-.02, the heading of Classification of
25 Covered Workers. And here is where we have a lot

1 to go through on this one.

2 So at the last -- the workshop, under
3 these 1(a) classifications, Number 1 is Blaster,
4 and it was recommended that Number 2, Bricklayer,
5 be removed from this section and placed under
6 Unskilled Laborer. So what I've done is struck
7 Bricklayer as Number 2 from Section (a), and that
8 would move Carpenter up to Number 2.

9 MR. WRIGHT: Perfect.

10 MR. DEASON: Questions on that?

11 (No verbal response.)

12 MR. DEASON: Okay. I'm just going to
13 go down to the portions that were changed.

14 So here we go to Number -- under
15 Class A Operator, Number 3, subpart 4, Motor
16 Patrol Operator Finish was changed to Motor Grader
17 Operator Finish. And nothing else in Part 4 there
18 was changed, as far as I can see.

19 MR. WRIGHT: Chance, could you go
20 back up to 3 point -- just the Class A Operator?
21 It's up about three paragraphs.

22 MR. DEASON: Yes, sir.

23 MR. WRIGHT: Gwen's draft had
24 "Bulldozer Finish" after it. It says "Motor
25 Patrol Finish," comma, "Bulldozer Finish."

1 MR. DEASON: That's in here, but it's
2 Class A Operator --

3 MS. WHITTAKER: It's down in
4 bullet 5. So it made the description. It's just
5 not in that initial paragraph.

6 MR. WRIGHT: I think all the bullet
7 points would have to be listed there in the 3. Is
8 that right?

9 MR. THOMPSON: So that means you need
10 to change the Patrol Operator to Motor Grader.

11 MR. WRIGHT: Yeah. The Motor Patrol
12 needs to be Motor Grader Operator.

13 MS. WHITTAKER: Missed that one,
14 yeah.

15 DEPUTY COMMISSIONER SCOTT: Chance,
16 did you hear that from here?

17 MR. DEASON: I didn't.

18 MR. WRIGHT: Motor Patrol is a 1940s
19 term.

20 DEPUTY COMMISSIONER SCOTT: Under
21 Item Number 3.

22 MR. WRIGHT: Motor Patrol needs to
23 say Motor Grader Finish, comma, Dozer -- you were
24 there.

25 MR. THOMPSON: You were there. It's

1 3. There you go.

2 MR. DEASON: Okay.

3 MR. WRIGHT: See Motor Patrol Finish?

4 MR. DEASON: Yes, sir.

5 MR. WRIGHT: Motor Patrol is like an
6 8-track tape.

7 MR. DEASON: So what needs to be done
8 with that?

9 MR. WRIGHT: Delete Patrol and put
10 Grader, G-R-A-D-E-R.

11 MR. DEASON: Got you. Okay.

12 MR. WRIGHT: And then push the
13 semicolon back and put a comma after Finish. Put
14 Bulldozer, Finish in parentheses, and the
15 semicolon. Bulldozer.

16 MR. DEASON: Got you.

17 MR. WRIGHT: Yeah. That would be
18 helpful.

19 MR. DEASON: Okay.

20 MR. WRIGHT: You are perfect now.

21 MR. DEASON: Did that work?

22 MR. WRIGHT: Yes, sir.

23 MR. DEASON: Okay.

24 MS. MCGUARAN: So it says
25 Backhoe/Hydraulic Excavator, but it just says

1 Backhoe Operator below. Is that still okay,
2 Backhoe/Hydraulic?

3 MR. WRIGHT: I know what it means, at
4 least. Technically, what does -- what do the
5 manufacturers call them? Hydraulic excavator?

6 MR. THOMPSON: Uh-huh. Yeah. If you
7 want to get technical, it should be hydraulic
8 excavator.

9 MR. WRIGHT: Which would mean you
10 need to go back -- the other point, mark out the
11 backhoe and change that backhoe to hydraulic.

12 MS. MCGUARAN: I mean, that's my
13 question. Backhoe/hydraulic didn't seem to align
14 with Backhoe. I didn't see Hydraulic in there
15 anywhere.

16 MR. THOMPSON: It's kind of the same.

17 MS. MCGUARAN: Okay.

18 MR. WRIGHT: So when this was
19 written, a backhoe was a cable-operated rig, in
20 the '70s.

21 MS. MCGUARAN: Okay.

22 MR. WRIGHT: I'm probably the only
23 one in the room old enough to remember that.

24 MR. DEASON: So do we need to do
25 anything with that?

1 MR. WRIGHT: If we want to be
2 appropriate, you would go up to the first -- to
3 the Class A Operator heading --

4 MR. DEASON: Yes, sir.

5 MR. WRIGHT: Yeah. And go over to --
6 and mark out Backhoe and forward slash or whatever
7 it is and just -- and capitalize Hydraulic, I
8 guess.

9 MR. THOMPSON: If you deleted that --

10 MR. WRIGHT: Just delete that and
11 you're there.

12 MS. MCGUARAN: I know this is --

13 MR. THOMPSON: And then go down to --
14 there you go. And delete Backhoe and substitute
15 Hydraulic --

16 MR. WRIGHT: Hydraulic Excavator.

17 MR. THOMPSON: -- Excavator.

18 MR. WRIGHT: Hydraulic Excavator
19 Operator.

20 MR. DEASON: Okay.

21 MS. MCGUARAN: Can I just ask a
22 question? And the reason we need that Class A
23 Operator and the way it's defined in there is
24 because we use it for something else in that
25 shorter abbreviation; is that right, Tom?

1 MR. HERROD: Say that one more time.

2 MS. MCGUARAN: So a lot of times when
3 I'm looking at legal documents, I try not to be
4 redundant, right? And there is a redundancy,
5 right, in terms of the way -- it says Class A
6 Operator. Then it says what it is. Then it says
7 "as defined below," which then restates what it
8 says up above.

9 I was just wondering, is the reason
10 we do that this way in these rules, because of how
11 we do the survey? Do we use the short term or do
12 we use the long definition for the survey?

13 MR. HERROD: Well, the survey is just
14 going to say Class A Operator with a brief
15 description. But the rules will be on the back
16 side to go with it to further explain what that
17 is. So it goes into deeper explanation.

18 MS. MCGUARAN: So that, like,
19 Section 3 paragraph would be what you would see in
20 the survey, and that's your brief description?

21 MR. HERROD: Yes. If it fits in
22 there. It has to fit in the --

23 MS. MCGUARAN: In the spot.

24 MR. HERROD: -- in the spot. But
25 then the rest of the rules itself will be attached

1 and they'll have to find it.

2 MR. THOMPSON: Tom, I thought we were
3 just going to have Class A Operator and then we
4 were going to just attach it to the document.

5 MR. HERROD: Well, that's the point,
6 yeah. I can't remember the last survey, whether
7 or not it had any brief description on the side or
8 not. But it will probably just say Class A
9 Operator.

10 MS. MCGUARAN: So the reason I'm
11 asking this is that, you know, like 3, do we even
12 have to have all those words, or can we just say
13 Class A Operator as -- you know, is defined as
14 follows, and then the "defined as follows" is the
15 definition?

16 MR. THOMPSON: You can.

17 MR. WRIGHT: You can, but you'll have
18 to change every one of them.

19 MS. MCGUARAN: Yeah. That was --

20 MR. WRIGHT: And Skilled Laborer,
21 it's got -- every heading has a bunch of stuff,
22 and then they define what they're talking about.

23 You know, the consistency is, I
24 think, important, and that's a good catch on
25 whoever said that part. Because, you know, we --

1 Scott and I hand this to people that can't pick a
2 hydraulic excavator out from something else and
3 ask them to figure out who to put in what
4 categories.

5 MS. MCGUARAN: Right.

6 MR. WRIGHT: And then that defines
7 how well we represent ourselves to you. So the
8 clearer and the more concise and the more
9 repetitive...

10 MS. MCGUARAN: Okay.

11 MR. WRIGHT: You know, some of those
12 people need to read it about four times before
13 they get the meaning, to get it right.

14 MS. MCGUARAN: Okay.

15 MR. WRIGHT: I mean, Scott is maybe
16 smarter with that.

17 MR. THOMPSON: Same pool. Same pool.

18 MR. DEASON: Let me ask you, though,
19 can you -- do you see my cursor? Does this --
20 when we change from Motor Control to Motor Grader,
21 does Finish need to be in parentheses?

22 MR. WRIGHT: Yes.

23 MR. THOMPSON: Yes.

24 MR. DEASON: All right. Are we ready
25 to move...

1 MS. MCGUARAN: Yeah.

2 MR. WRIGHT: Yes.

3 MR. DEASON: All right. Down to --

4 MS. MCGUARAN: I'm going to apologize
5 up front if I take a step back, because I missed
6 the last meeting. It's my own fault. I'm just
7 trying to understand.

8 MR. WRIGHT: We missed you.

9 MR. DEASON: Down here to Number --
10 Motor Patrol, so that's been changed to Motor
11 Grader Operator, which is consistent with what's
12 above.

13 MR. THOMPSON: That's right.

14 MR. WRIGHT: Yes, sir.

15 MR. DEASON: Anything else on that?

16 (No verbal response.)

17 MR. DEASON: Then we go to Number 5
18 there, Bulldozer Operator Finish.

19 DEPUTY COMMISSIONER SCOTT: Can you
20 read it, Chance?

21 MR. DEASON: I can read that section.

22 "Bulldozer Operator Finish means one
23 who operates a large tractor with a concave steel
24 blade or push block mounted in front of the
25 chassis; regulates heights of blades or push

1 blocks from the ground; may oil, grease, or
2 otherwise service and make necessary adjustments
3 to equipment as needed; and may perform other
4 related duties. Note: The equipment is used to
5 level, distribute, and push earth to a fine grade.
6 The work is subjected to strict inspection and
7 must conform closely to specifications."

8 MR. STARWALT: You need a parentheses
9 at the end.

10 MR. HERROD: Yeah, end parentheses.

11 MR. STARWALT: Parentheses after
12 "specifications."

13 MR. THOMPSON: Yes, at the very end.

14 MR. DEASON: Oh, okay. Thank you.

15 DEPUTY COMMISSIONER SCOTT: Any
16 discussion there?

17 (No verbal response.)

18 MR. DEASON: So Number 5 has become
19 Number 4, Class B Operator. The only thing I
20 changed in there is to put parentheses, Rough,
21 after Bulldozer.

22 Is there anything else?

23 MR. WRIGHT: I think the
24 Backhoe/Hydraulic Excavator probably needs fixing
25 there, too.

1 MS. MCGUARAN: Well, we don't have a
2 Backhoe/Hydraulic Excavator defined below.

3 MS. WHITTAKER: So there's, I think,
4 eight descriptions in the first paragraph and only
5 five detailed descriptions to go with it.

6 MR. WRIGHT: Nice.

7 MS. MCGUARAN: That's one of the
8 reasons I was asking. Which one takes precedent,
9 the top or the bottom on these?

10 MR. WRIGHT: Well, the -- for the
11 excavator, the hydraulic excavator, it's more
12 about size. You could almost copy down the --
13 let's see what it says.

14 MR. THOMPSON: Well, it defines the
15 size. That's exactly right.

16 MR. WRIGHT: It's the ability -- see,
17 the first one is 3/4 yard and over, and then it
18 defines it in Item 1. And then you go down to
19 Class B, and it's less than 3/4 yard, and it is
20 not defined. So you can either assume it's a
21 Class A description but on the smaller one or we
22 can add the paragraph.

23 MR. THOMPSON: I don't know why you
24 can't cut and paste the paragraph, because it's
25 exactly the same. The difference is the size, the

1 bucket size.

2 MR. WRIGHT: Depends on how much of
3 the State's paper we want to use.

4 MR. DEASON: It's just bits and bytes
5 right here.

6 DEPUTY COMMISSIONER SCOTT: So for
7 consistency's sake, do we need to have the same
8 number of descriptions under this one as the
9 others?

10 MR. WRIGHT: It would actually be
11 logical, yes, sir.

12 MR. DEASON: We have three, four,
13 five trenching machines, so we need to add
14 descriptions.

15 MR. WRIGHT: There's not a definition
16 for Loader.

17 MS. WHITTAKER: So could you use the
18 same descriptions in Class A?

19 MR. WRIGHT: Uh-huh. You could copy
20 down the Loader and just call it three yards and
21 under and put it in Motor Patrol Rough.

22 MS. MCGUARAN: Right. Just like the
23 other one --

24 MR. THOMPSON: The Motor Grader has
25 to be changed, though, because it's not...

1 MR. WRIGHT: It's got "Rough."

2 Well --

3 MR. THOMPSON: Well, you get into...

4 MR. WRIGHT: You would probably want
5 to take that last sentence out, "The equipment is
6 used to level dirt, to lay asphalt and
7 flexible"...

8 DEPUTY COMMISSIONER SCOTT: Which two
9 are missing from Class B? Loader?

10 MR. WRIGHT: Loader and Hydraulic
11 Excavator.

12 MR. THOMPSON: And Motor Grader.
13 Isn't it the grader?

14 MS. WHITTAKER: Yeah. Motor Grader
15 is on there. "Rough," yeah.

16 MR. THOMPSON: And there's a "Rough."
17 I'm sorry.

18 MS. MCGUARAN: Let me go back a
19 little bit. Then the Hydraulic Excavator in 1
20 should say in parentheses, behind it, "3/4 a yard
21 and over." And then the one in this one should
22 say in parentheses --

23 MR. THOMPSON: Yes.

24 DEPUTY COMMISSIONER SCOTT: Less
25 than.

1 MS. MCGUARAN: -- less than.

2 MS. WHITTAKER: So is it okay to say
3 "3/4 yard" or "3 yard," or should it be "3/4 cubic
4 yard" and "3 cubic yard"?

5 MS. MCGUARAN: So that would work.
6 So then, Chance --

7 MR. THOMPSON: Might as well put
8 cubic yard because that's what it really is.

9 MS. MCGUARAN: So, Chance, on the (i)
10 there --

11 MS. WHITTAKER: On equipment
12 description --

13 MS. MCGUARAN: -- in parentheses --

14 MS. WHITTAKER: -- doesn't it say
15 cubic yard?

16 MS. MCGUARAN: -- after the name, it
17 should include that "3/4 yard and over" from the 3
18 above. It should just say both of those things.

19 MR. WRIGHT: That, technically,
20 should be 3/4 cubic yards.

21 MR. DEASON: Okay. So --

22 MR. WRIGHT: Not to confuse you but
23 Gwen is right. And all the words that say "yards"
24 should be "cubic yards."

25 MS. MCGUARAN: Could we just define

1 "yard" to be "cubic yard"?

2 MR. WRIGHT: We could do that. You
3 could put a definition of "yard."

4 MR. DEASON: So under Class A --

5 MR. WRIGHT: But you need to go back
6 up to the description.

7 MR. THOMPSON: Yeah, to that original
8 Number 3 Class A Operator --

9 MR. DEASON: That's where I am right
10 now.

11 MR. THOMPSON: No. Go up one more.
12 There you go.

13 MS. MCGUARAN: Cubic yard too.

14 MR. WRIGHT: Cubic there. And then
15 cubic -- and the next one, End Loader, which I
16 would remove the "End." That's an old --

17 MS. MCGUARAN: Right where you were
18 before.

19 MR. THOMPSON: Stay right where you
20 were.

21 MR. WRIGHT: Right there. See "End
22 Loader" --

23 MS. MCGUARAN: 3 yards.

24 MR. WRIGHT: -- four words, five
25 words over?

1 MR. THOMPSON: Where you just
2 corrected a second ago. There you go.

3 MR. WRIGHT: Remove the "End."
4 That's a term that's 8-track tape worthy, too.

5 MS. MCGUARAN: And then cubic, with
6 the 3 cubic yards.

7 MR. WRIGHT: I hope somebody
8 appreciates how hard this was.

9 MR. DEASON: Oh, boy. I don't know
10 what just happened there. Okay.

11 I can just do a search for anything
12 that says "yard."

13 MR. WRIGHT: Does anybody know what a
14 push block is on a dozer?

15 (No verbal response.)

16 MR. WRIGHT: That's what I thought.

17 MR. DEASON: All right. Are we ready
18 to resume with Class B?

19 DEPUTY COMMISSIONER SCOTT: So we
20 need to add a Section 6 and 7 under Class B?

21 MR. DEASON: Two sections.

22 DEPUTY COMMISSIONER SCOTT: One for
23 Loader?

24 MR. THOMPSON: Yes. We need to add
25 Loader Operator. We can copy and paste from

1 Class A and just change the yardage.

2 MR. WRIGHT: And Bulldozer. There's
3 two of them.

4 DEPUTY COMMISSIONER SCOTT: Yeah.
5 Backhoe hydraulic.

6 MR. WRIGHT: Backhoe. That's what it
7 was.

8 MR. DEASON: Which one was that?

9 MR. THOMPSON: Go back up to Class A,
10 Loader.

11 MR. DEASON: Okay.

12 MR. THOMPSON: Right there.

13 MR. DEASON: Right below. Okay.

14 MR. THOMPSON: All right. We can cut
15 and paste, and all we're going to do is change the
16 cubic -- we're going to change the yardage down
17 to --

18 MS. MCGUARAN: The thing in
19 parentheses right after "Loader Operator."

20 MR. WRIGHT: Yeah. And say "under 3
21 yards."

22 MR. DEASON: Okay. So just cut this
23 whole thing and put it down as a --

24 MR. THOMPSON: Yes.

25 MR. DEASON: Got you. Okay.

1 MR. THOMPSON: And then we'll change
2 the parentheses.

3 MR. WRIGHT: Copy it. Don't cut it.

4 MR. DEASON: And under?

5 MR. WRIGHT: Under 3 yards.

6 MR. HERROD: Do you want to say "less
7 than"?

8 MR. WRIGHT: Yeah, "less than."

9 MR. THOMPSON: But it's not "and."
10 It's got to be under 3 yards.

11 MR. DEASON: 3 and 3 cubic yards.

12 MS. MCGUARAN: No. It's under.

13 MR. DEASON: So just "less than
14 3 cubic yards"?

15 MR. THOMPSON: Yes.

16 DEPUTY COMMISSIONER SCOTT: Yes.

17 MR. DEASON: All right. Then the
18 next one...

19 MR. WRIGHT: Hydraulic Excavator. Go
20 back up to A and copy. Grab that paragraph for
21 Hydraulic Excavator.

22 MR. DEASON: Right here?

23 MR. WRIGHT: Yes. And it needs to be
24 less than, I guess. Less than 3/4 cubic yards.

25 MR. DEASON: Okay.

1 MR. WRIGHT: Amazing.

2 MS. WHITTAKER: Okay. And so in that
3 initial description, you have Tractor
4 Crawler/Utility, and there's no description for
5 that. Do we need that description? It's between
6 Motor Grader and Scraper.

7 MR. WRIGHT: I don't even know what
8 that is.

9 MR. THOMPSON: I don't know if that
10 even needs to be in there.

11 MS. WHITTAKER: So could we just
12 strike it and not have to come up with a
13 definition?

14 MR. THOMPSON: Yes.

15 DEPUTY COMMISSIONER SCOTT: It's
16 under Class B?

17 MR. WRIGHT: Yes.

18 MR. THOMPSON: I don't know what
19 they're talking about.

20 MR. WRIGHT: Unless they're talking
21 about the old days when you had bulldozers holding
22 scrapers.

23 MR. THOMPSON: Oh.

24 MR. WRIGHT: Maybe. But that doesn't
25 happen anymore either. So it's like a bricklayer

1 and 8-track tape.

2 Please delete that.

3 MR. DEASON: So --

4 MR. WRIGHT: Right there.

5 DEPUTY COMMISSIONER SCOTT: Under
6 Number 4, uh-huh.

7 MR. DEASON: This right here?

8 MR. WRIGHT: Yes, sir.

9 MR. DEASON: All right. Number 4, is
10 that -- we still don't have a couple of
11 definitions in there, do we?

12 MR. THOMPSON: I thought we got them.

13 MS. WHITTAKER: Yeah, I think that
14 got it.

15 MR. DEASON: Okay.

16 DEPUTY COMMISSIONER SCOTT: You got
17 them when we did that, uh-huh.

18 MR. THOMPSON: You should have them
19 now.

20 MR. DEASON: All right. Okay. I
21 didn't think we had scraper, but we did.

22 Okay. So is Class B acceptable?

23 MR. WRIGHT: I think so.

24 MR. THOMPSON: I was going to say I
25 think. I'll go home and read it tonight.

1 MR. DEASON: What we can do is send
2 you --

3 MR. WRIGHT: That would be nice.

4 MR. DEASON: -- another copy today.
5 Okay.

6 MR. WRIGHT: I do know we've
7 eliminated several things that make me twitch when
8 I read it.

9 MR. DEASON: All right. Class C, cut
10 scale. I don't know why there's an "f" right
11 there.

12 MR. THOMPSON: I think that's
13 correct.

14 MR. HERROD: I think on the clean
15 copy here, you may have a stray letter in here;
16 "f" after the "horizontal" and parentheses.

17 MR. DEASON: I just --

18 MR. HERROD: You took it off?

19 MR. DEASON: Yeah.

20 MR. HERROD: Okay.

21 DEPUTY COMMISSIONER SCOTT: The
22 Roller -- Number (x), is there a Roller Operator
23 up in the description anywhere that you-all see?

24 MR. THOMPSON: Are you talking about
25 under Number 5?

1 DEPUTY COMMISSIONER SCOTT: Right.

2 MR. THOMPSON: Right. It's not in
3 there. That's correct.

4 So on Number 5, we need to take the
5 Roller Operator from 10 and move it up, because
6 it's not listed under the original description
7 under 5.

8 MR. DEASON: Okay. Go down to...

9 MR. THOMPSON: The last one there.

10 MR. DEASON: Right there?

11 MR. THOMPSON: Right there. Roller
12 Operator, parentheses, Asphalt. Just copy just
13 the first -- there you go.

14 MR. DEASON: Okay.

15 MR. THOMPSON: Copy that and move it
16 up.

17 MR. WRIGHT: Do we do any Concrete
18 Barrier Rail Transfer Machine Operator? Is that
19 one of those things that moves them over a lane at
20 a time? Is that what you think that is, Gwen?

21 MS. WHITTAKER: It's the first thing
22 that comes to mind, but do y'all have anything
23 else for that? That's not up in that description.

24 MR. WRIGHT: When we moved them, you
25 had to use either a forklift or a clamp, but I

1 would think that's where they have a design for
2 the municipalities or places that have -- where
3 they're trying to have reversible lanes.

4 MS. MCGUARAN: After -- where you
5 were just at, under Number 5 --

6 MR. WRIGHT: Read Number VII in Roman
7 numerals at the bottom of page 5, on Gwen's page.

8 MR. THOMPSON: You're talking about
9 right here? You're talking about the --

10 MR. WRIGHT: Yeah.

11 MR. THOMPSON: Well, we just use a
12 rubber-tired trackhoe or whatever. I mean --

13 MR. WRIGHT: But it's not in this.
14 It's not in that.

15 MR. THOMPSON: Oh. Oh.

16 MR. WRIGHT: It's not in that and...

17 MR. THOMPSON: I would almost take
18 that out.

19 MR. WRIGHT: We don't own one.
20 Wouldn't know what to do with it if we had one.

21 MR. THOMPSON: Well, you use all
22 different types of machines -- different people
23 use different machines to move the barrier rail.

24 MR. WRIGHT: And that machine, the
25 only place I know of, if it is what we think --

1 this side of the table thinks it is, is if you go
2 to Los Angeles or something and they've got six
3 lanes and they move one lane of barrier rail over
4 in the morning and back in the afternoon with --
5 and they have this machine that kind of picks it
6 up and just moves it over one lane and sets it
7 back down. So does that exist in Tennessee?

8 MR. DEASON: With all the
9 infrastructure stuff supposed to happen, you'd
10 think it might become relevant.

11 DEPUTY COMMISSIONER SCOTT: Is there
12 a poured barrier rail?

13 MR. WRIGHT: If it does, it will be
14 used by the people that own the road. So it would
15 either be a TDOT employee, or should the choice
16 lanes work out, whoever the concessionaire is
17 there, they would be an employee of them. I don't
18 know of anywhere where a contractor has been asked
19 to do that, that I'm aware of.

20 MS. MCGUARAN: There's also a
21 concrete barrier rail. Is that what we're looking
22 at?

23 MS. WHITTAKER: That's what we're
24 talking about.

25 Does it hurt to leave it for a future

1 need? Because we already have the description.

2 (Overlapping conversation.)

3 DEPUTY COMMISSIONER SCOTT: Some is
4 poured in place?

5 MR. WRIGHT: I'm sorry.

6 MS. WHITTAKER: Does it hurt to leave
7 it?

8 MR. WRIGHT: It doesn't hurt to leave
9 it.

10 MS. WHITTAKER: But if we leave it,
11 we need to add that up in --

12 MR. WRIGHT: We need to add it up to
13 the top --

14 MS. WHITTAKER: -- the lead
15 paragraph.

16 MR. WRIGHT: -- if we're going to be
17 consistent.

18 MS. WHITTAKER: That way, if we ever
19 do have it, it will already be here.

20 MR. HERROD: One talking at a time so
21 she can --

22 MR. WRIGHT: I am so sorry.

23 MR. HERROD: Thank you.

24 DEPUTY COMMISSIONER SCOTT: So,
25 Chance, where are you?

1 MR. DEASON: I'm not quite sure.

2 MS. MCGUARAN: I think the discussion
3 just led to the point that Concrete Barrier Rail
4 Transfer Machine Operator, which is 8, that header
5 needs to be in Number 5, right there. Concrete
6 Barrier Rail Transfer.

7 MR. DEASON: Okay. So that needs to
8 go up to --

9 MS. MCGUARAN: 5.

10 MR. DEASON: -- Roman Numeral 5?

11 MS. MCGUARAN: In Number 5.

12 MR. DEASON: Number 5?

13 MS. MCGUARAN: Not the whole thing,
14 just the name.

15 MR. DEASON: Got you. Okay.

16 MR. WRIGHT: Is the MTV Operator in
17 the Class C Operator, the header?

18 MR. THOMPSON: Yes. Yes, we got it
19 covered.

20 MR. WRIGHT: Okay. Thank you.

21 MR. THOMPSON: Okay. And then check
22 to make sure the numbers -- we've got it numbered
23 correctly below 5.

24 MR. DEASON: Below 5? Okay.

25 MR. THOMPSON: Yeah. Make sure all

1 of our...

2 MS. WHITTAKER: Up in Number 5,
3 there's a Boring Machine Horizontal listed, but
4 there's no description. There is one down in
5 Class D. So can we strike that from Class C and
6 leave it in D?

7 MS. MCGUARAN: So I think what she
8 just said is the -- where it says right there in
9 Number 5 --

10 MS. WHITTAKER: Oh, wait a minute,
11 before we make the change. So if you look at
12 Class D, that is not up in the main description.

13 DEPUTY COMMISSIONER SCOTT: Maybe it
14 got put in the wrong place.

15 MS. WHITTAKER: Maybe it got put in
16 the wrong place.

17 DEPUTY COMMISSIONER SCOTT: Uh-huh.

18 MR. THOMPSON: I think it needs to be
19 under D.

20 DEPUTY COMMISSIONER SCOTT: Uh-huh.

21 MS. WHITTAKER: So leave it there.

22 MR. THOMPSON: Yeah. I think we just
23 need to strike it from C at the top and move it to
24 the top of D.

25 MS. WHITTAKER: Okay. So under C in

1 the main paragraph --

2 MR. THOMPSON: Right. There you go.

3 MS. WHITTAKER: -- the Boring Machine
4 Horizontal, strike it from C.

5 MR. THOMPSON: After you copy it.

6 MS. WHITTAKER: And then cut it.

7 MR. THOMPSON: Oh, yeah, copy it
8 first.

9 MS. WHITTAKER: Cut it there.

10 MS. MCGUARAN: Move it. We're going
11 to be moving this to 6.

12 And you want to get rid of the word
13 "or," too.

14 MR. DEASON: "Or."

15 MS. MCGUARAN: Yeah.

16 DEPUTY COMMISSIONER SCOTT: Good?

17 MR. DEASON: I think so.

18 DEPUTY COMMISSIONER SCOTT: Okay. So
19 he's finished, just made the move in 6, putting
20 the boring, where we go from 6 D, moving forward,
21 Class D Operator.

22 MS. MCGUARAN: Yeah, Class D.

23 DEPUTY COMMISSIONER SCOTT: Were
24 there any changes in the subparts in 6 under
25 Class D?

1 MS. MCGUARAN: I'm double-checking
2 right now.

3 MR. WRIGHT: I was trying to figure
4 out what's here and what isn't. Concrete pump...

5 MS. MCGUARAN: It's a challenge
6 because they're not in the same order.

7 DEPUTY COMMISSIONER SCOTT: Chance,
8 can you talk through the changes in the subparts?

9 MR. DEASON: If everybody is ready.
10 It looks like some are still studying.

11 DEPUTY COMMISSIONER SCOTT: He's
12 going to tell you the changes just through those,
13 if you want to follow him.

14 MR. DEASON: Can you -- if you-all
15 can see the screen, just where we added the Power
16 Broom. I think this is correct because where it
17 articulated -- where it says "Truck," rigid frame
18 or articulated off-road, and then "or Power
19 Broom," do those go together?

20 MR. THOMPSON: No. They're separate.

21 MR. DEASON: So just take --

22 MR. THOMPSON: The word "or" needs to
23 go, yes.

24 MR. DEASON: Got you. Okay.

25 All right. And we've got one

1 machine, horizontal, further defined, and Bobcat
2 was changed to Skid Steer. Number 4 --

3 MR. THOMPSON: Can we go back up?
4 This is going to just absolutely drive me crazy.
5 Behind Skid Steer, can we put in parentheses,
6 "track or tire"? Just make my life easier.

7 MR. WRIGHT: Isn't it written right
8 behind it?

9 DEPUTY COMMISSIONER SCOTT: It is.

10 MR. WRIGHT: "Tractor-type." Well --

11 DEPUTY COMMISSIONER SCOTT: Well, no,
12 it's not.

13 MR. WRIGHT: "Small tractor-type
14 equipment for excavations." You could put
15 "track-type."

16 MR. THOMPSON: If you just put "Skid
17 Steer," and in parentheses, "tire or track."

18 MR. WRIGHT: Okay. There's a
19 difference. A skid steer is one that will --

20 MR. THOMPSON: A skid steer is
21 actually tires. A compact track loader is
22 actually tracks. And what happens is, is if --
23 what I'm worried about, I mean, I can't get off
24 of, is all of a sudden, you have to -- if you
25 found somebody who's really crafty there, and they

1 just start saying they should be paid Class B
2 Operator pay because they're on a loader that's
3 listed.

4 MR. WRIGHT: That'll work until they
5 figure out it's listed as Class D.

6 MR. THOMPSON: Does that make sense?
7 Under -- behind skid steer?

8 MR. DEASON: What do we want to put?

9 MR. WRIGHT: You might want to put it
10 right in there where it says "uses small track or
11 wheel, tractor-type equipment."

12 MR. THOMPSON: Yeah. That's good.
13 You're right.

14 MR. WRIGHT: Put it in there and then
15 you'll have it.

16 MR. THOMPSON: You could do
17 "wheel/tractor-type equipment."

18 MR. WRIGHT: Wheel track, track-type.

19 MR. DEASON: The volume of the stuff
20 we're discussing is -- this doesn't fall in the
21 usual discussion, but we talked about that. So
22 we'll probably have to ask if there's further
23 discussion and take a vote on this stuff. We
24 pretty much have to have open discussion for this.

25 Okay. So --

1 MR. THOMPSON: We can leave it alone.
2 We can just leave it.

3 MR. DEASON: No. I don't mean this
4 one in particular.

5 MR. THOMPSON: Oh.

6 MR. DEASON: So "small track or
7 wheel"?

8 MR. THOMPSON: Yes.

9 MR. DEASON: Is there any other
10 comment on that?

11 (No verbal response.)

12 MR. DEASON: That's changed.

13 The next is Central Mix Plant or
14 Scale Operator. Take out asphalt or concrete,
15 Item Number 4, and add "one who weighs materials
16 in trucks prior to deliveries; records net and
17 gross weights, truck numbers and kinds of
18 materials; may weigh empty trucks on the truck
19 scale in order to compute net weights; may issue
20 weight tickets; and may perform other related
21 duties."

22 MR. WRIGHT: Can I make a general
23 comment about this whole Class D section? I count
24 24 things in the header and 20 descriptions. And
25 I think they're going to be -- should we just go

1 down and somehow verify that we have the right --
2 the 20 are correct?

3 MS. MCGUARAN: That's what I was
4 suggesting up front. Like do we just not get rid
5 of the short version and then make sure that the
6 more detailed descriptions are accurate, in the
7 right spot? Because you've got a lot of variation
8 and they don't follow the same order. It's really
9 hard to double-check.

10 MR. WRIGHT: This one is particularly
11 confusing, as I sit here and try to audit it. I
12 mean, you know, like if I read down Number 1,
13 Bituminous Distributor Machine Operator, is that
14 in the heading?

15 MS. DIEFENBACH: That's at the very
16 bottom.

17 MR. THOMPSON: Yes.

18 MR. WRIGHT: Okay. Skid Steer
19 Operator, is that in the heading?

20 (Affirmative response.)

21 MR. WRIGHT: Boring Machine Operator
22 Horizontal.

23 MS. MCGUARAN: We added it.

24 MS. WHITTAKER: It is now.

25 MR. WRIGHT: Okay.

1 MS. MCGUARAN: But Concrete Pump
2 that's in the heading isn't in there.

3 MR. WRIGHT: Central Mix Plant is
4 there. Concrete Saw Operator.

5 MS. MCGUARAN: Yes.

6 MR. WRIGHT: Curb Machine Operator.

7 MS. MCGUARAN: Yes.

8 MR. WRIGHT: Curb Machine Operator
9 Manual.

10 MS. WHITTAKER: Yes.

11 MR. WRIGHT: Distributor Operator.

12 MS. MCGUARAN: No.

13 MS. WHITTAKER: Yes.

14 MR. THOMPSON: Yes.

15 MR. WRIGHT: Well, but it's -- you
16 also got on the very first one, for 1. Is 1 and
17 13 -- or 8 the same?

18 MS. MCGUARAN: Where is the
19 Distributor Operator? I guess I don't see it.

20 DEPUTY COMMISSIONER SCOTT: Number 8.
21 Item 8.

22 MR. HERROD: Number 8.

23 MS. MCGUARAN: I know. But I don't
24 see it on Class D.

25 MR. WRIGHT: It's on the last --

1 second --

2 DEPUTY COMMISSIONER SCOTT: Second to
3 the last.

4 MR. WRIGHT: Third paragraph, third
5 line from the bottom, Bituminous.

6 MR. THOMPSON: Oh, that one needs to
7 be stricken.

8 MR. WRIGHT: Which one?

9 MR. THOMPSON: The very first one.

10 MR. WRIGHT: Bituminous Distributor
11 Machine?

12 MR. THOMPSON: Yeah, because it's not
13 used to spread level bituminous paving material.
14 That's not the better description.

15 MR. WRIGHT: Okay. So 1 needs to be
16 stricken?

17 MR. THOMPSON: Yes.

18 MR. WRIGHT: And then the title needs
19 to be corrected in the Class D Operator paragraph,
20 too. Bituminous needs to match -- well, if you
21 look at Number VIII, Roman Numeral VIII,
22 Distributor Operator Bituminous is what it says.

23 MR. THOMPSON: This one says
24 Bituminous Distributor Machine.

25 MR. WRIGHT: So we've got it twice.

1 DEPUTY COMMISSIONER SCOTT: Twice.

2 MR. WRIGHT: Somebody pick one.

3 Scott, you're the paver guy.

4 MR. THOMPSON: I think you should do
5 VIII.

6 MR. DEASON: Keep VIII or strike
7 VIII?

8 MR. THOMPSON: Keep VIII.

9 MS. MCGUARAN: Strike 1.

10 DEPUTY COMMISSIONER SCOTT: Strike 1.

11 MR. WRIGHT: Which will mean the name
12 needs to be corrected to match Number VIII in
13 initial paragraph 6.

14 MR. DEASON: Okay.

15 MS. MCGUARAN: I'm going to go back
16 to my question. Do we need the names in the
17 paragraphs at all? Can we just strike them
18 throughout and make sure what's below is correct?

19 MR. WRIGHT: If we can get through
20 four more, we're done.

21 MS. MCGUARAN: Okay.

22 MR. WRIGHT: That's all I'm offering.

23 MS. MCGUARAN: I'm just thinking for
24 the person looking at it, who's trying to figure
25 it out. That's who I'm thinking about, not us.

1 MR. WRIGHT: I think that honestly --
2 the honest answer, I think the descriptions help
3 the people trying to figure it out, the
4 definitions.

5 MS. MCGUARAN: Okay.

6 MR. THOMPSON: But the short version,
7 which is what you're talking about, there's an
8 argument to get rid of those. The long version
9 needs to stay.

10 MS. MCGUARAN: Well, I was thinking
11 the long version for sure stays.

12 MR. WRIGHT: Oh, okay.

13 MS. MCGUARAN: I was thinking, do we
14 need the short version? As long as we know we've
15 got the right things described adequately in the
16 longer version, should we just get rid of the
17 shorter version? Because they're not in the same
18 order. They're not exactly the same words all the
19 time. It just seems like an editing nightmare.

20 MR. HERROD: You would just need to
21 clarify, you start that off, "Class D Operator is"
22 or "is defined" --

23 DEPUTY COMMISSIONER SCOTT: "As
24 follows."

25 MR. HERROD: -- "as follows."

1 MS. MCGUARAN: Right.

2 DEPUTY COMMISSIONER SCOTT: And
3 that's it.

4 MR. HERROD: And that's it, and then
5 just --

6 MS. MCGUARAN: Yeah.

7 MR. WRIGHT: Well, she's been trying
8 to say it and nobody would listen to her.

9 MR. HERROD: I was listening to her.

10 MR. WRIGHT: I wasn't. I was shaking
11 my head.

12 We'll have -- the same issue will
13 exist with Skilled Laborer and probably Unskilled.

14 MS. MCGUARAN: Well, my point is once
15 we realize that the long descriptions are the
16 right people and the right things, then I think
17 you can just go ahead and delete all of those.
18 They're helpful this time for us, a double-check,
19 right, to make sure we've got everything covered.
20 But that's it.

21 I don't think Chance needs to spend a
22 lot of time correcting those because they're still
23 confusing and there's no way to make them exactly
24 the same.

25 MR. HERROD: So are we saying you

1 want to just strike the short version altogether
2 on all of them?

3 MS. MCGUARAN: (Nods head.)

4 MR. HERROD: Okay. So we don't have
5 to get the short version to match the longer
6 version.

7 MR. DEASON: As long as the Roman
8 numerals -- the definitions are acceptable, the
9 rest is somewhat redundant anyway.

10 MS. MCGUARAN: Yeah. And it's more
11 likely to create confusion.

12 The only thing that I would want to
13 make sure is that your Skid Steer, now Operator in
14 the longer definition, you put in the parentheses,
15 "track or tire." Right?

16 So yeah, on Number 2, yeah, you've
17 got "track or wheel" there. That's fine.

18 MR. DEASON: Should that be in
19 parentheses, "track or wheel"?

20 MS. MCGUARAN: No. I think as long
21 as it's in there, I think that's what Scott was
22 looking for.

23 MS. XIXIS: I have a question. Tia
24 Xixis, Chief of Staff for the Department.

25 Chance, thinking about rules and

1 TDOT, about publications, as well as prevailing
2 wage folks, if we do this, is that going to change
3 anything that we already have in print or a need
4 or comparisons back to what's in the statute if we
5 eliminate that? Like how is it in the statute,
6 some of these terms? Do we know? That if we
7 eliminate some of the specifics there...

8 MS. MCGUARAN: It's the same words.
9 What we're saying is we're just saying it twice.

10 MS. XIXIS: I don't have any
11 references. Because I was, like, are we going to
12 need law changes?

13 MR. DEASON: Not in -- I don't --

14 MS. XIXIS: You don't think so?

15 MR. DEASON: No.

16 MS. XIXIS: Okay.

17 MR. DEASON: Not in ours.

18 MS. XIXIS: But we would have to
19 change it if it was -- but that's...

20 Matthew, do you have anything?

21 MR. GROVE: No.

22 MS. XIXIS: No?

23 MR. DEASON: So it looks like we can
24 go without the shortened version.

25 MS. MCGUARAN: Just let the longer

1 definitions rule, which is good.

2 MR. HERROD: Do you want these
3 alphabetically? I mean, we can do that. Just
4 move it around.

5 MS. MCGUARAN: It looks like they
6 were originally.

7 MR. HERROD: Yes. And then we added
8 some. Skid Steer starts off on it.

9 MS. MCGUARAN: Yeah. To make it
10 consistent, that's a good catch. Make it easier
11 for people to find what they're looking for.

12 MR. WRIGHT: I agree. I've just been
13 afraid to say it.

14 MR. DEASON: So we want to start with
15 Class A Operator, right?

16 MS. MCGUARAN: "As defined below," or
17 whatever you think.

18 MR. DEASON: "Class A Operator."

19 MR. WRIGHT: "Is further defined as
20 follows" or "further defined."

21 Is that right?

22 MS. MCGUARAN: Uh-huh.

23 MR. DEASON: So this would be an
24 opportunity, too, to -- do we want limiting
25 language in there or -- "includes but is not

1 limited to a Class A Operator"?

2 MS. MCGUARAN: I think that's -- I
3 mean, are you -- I think this goes to in the
4 absence of any additional modifications, right, if
5 you come up with somebody who does something, and
6 they say that, well, they're called "X," right,
7 but they generally fall within this group, are
8 they allowed to count them with that group or not?

9 I mean, so like, for instance, like
10 you said before, like one of the names -- so say
11 they had a backhoe operator, right, or a hydraulic
12 excavator before, could they have included the
13 hydraulic excavator with the backhoe operator,
14 because they're generally considered to be the
15 same class?

16 And what he's saying is if you want
17 to allow for that, then you need to say, you know,
18 "Class A is defined but not limited to as below."
19 So then if somebody else says we missed one, but
20 this person is in that same classification, in my
21 opinion, then I can put -- I can include their
22 wage in my recording.

23 MR. THOMPSON: I understand your
24 question, but I'm thinking here because --

25 MR. WRIGHT: To me, it's more about

1 the Department of Labor's purview on that than the
2 industry. Because if I have someone that I want
3 to pay a class operator scale and they're doing
4 something else, we can always pay them over the
5 qualification that they're based on.

6 But I've never had a situation where
7 I thought, well, this needs to be added to the
8 Class A. And if they did, I thought -- I would
9 think that's the work of this group here, to bring
10 it -- someone would bring it to -- we have a new
11 fancy machine operator that we need to define. So
12 I don't --

13 MR. DEASON: I think taking
14 subjectivity out of it is the way to go.

15 MS. MCGUARAN: Okay.

16 MR. WRIGHT: I don't know what to
17 say.

18 MR. THOMPSON: Yeah. I guess my
19 thought would be is if we deemed it one way and
20 then, by the language, they were to come and file
21 with the Department of Labor, how would that be
22 viewed? I mean, to me, that's what it's about, is
23 how is the Department of Labor going to read it,
24 you know, I mean, by the language? I mean,
25 that's -- because we would -- I mean, I would

1 think we could fit them in these buckets. But all
2 of a sudden, if they start trying to make an
3 argument and they go to the Department of Labor
4 because it's not spelled out specifically, how is
5 the Department of Labor going to view that?

6 MR. WRIGHT: So you're saying don't
7 leave wiggle room.

8 MR. THOMPSON: I'm saying if you
9 leave -- if we leave wiggle room, then it could
10 end up back with the Department of Labor.

11 MR. HERROD: Just make it clean.

12 MR. DEASON: "Class A Operator is
13 defined as follows," colon?

14 MR. WRIGHT: Yes. I would prefer
15 that.

16 MR. HERROD: It's easier for
17 everyone.

18 MS. MCGUARAN: I think you want to
19 say "follows."

20 MR. DEASON: Yes.

21 MS. MCGUARAN: And I think you want
22 to copy that because you're going to use that a
23 lot.

24 MR. DEASON: That is true.

25 And so are we going to go to Class B

1 and do the same thing?

2 MS. MCGUARAN: Uh-huh. Yes.

3 MR. HERROD: Yes.

4 MR. DEASON: And then Class C.

5 MR. WRIGHT: A, B, C, and D.

6 MR. DEASON: Okay.

7 MS. MCGUARAN: One more.

8 MR. THOMPSON: One more.

9 MS. MCGUARAN: Class D.

10 MR. DEASON: Oh, that's right,
11 Class D.

12 MS. MCGUARAN: So then we were
13 looking through each of these. So Skid -- we
14 changed Bobcat to Skid Steer, track or wheel. Now
15 we can just scroll down through.

16 MR. DEASON: I went to the Central
17 Mix Plant. You want me to just go through where
18 there are changes made and just read those out?

19 DEPUTY COMMISSIONER SCOTT: Yes.

20 MR. DEASON: Okay.

21 MS. MCGUARAN: I guess -- or you can
22 pull it up and say these are the changes; does
23 anybody have any questions? And we can keep
24 going.

25 MR. DEASON: So under D, the Central

1 Mix Plant or Scale, I believe I read that out. We
2 added Scale, took out "asphalt or concrete" and
3 added one who weighs materials in trucks prior to
4 deliveries; records net and gross weights -- I
5 read all that out.

6 Does anybody have an issue with that?

7 MS. MCGUARAN: Okay.

8 MR. DEASON: No change to Concrete
9 Saw Operator; no change to Curb Machine Operator
10 Automatic; no change to Curb Machine Manual; no
11 change to Distributor Operator Bituminous.

12 There was some discussion about
13 bituminous. Is that one still good, Number VIII?

14 MS. MCGUARAN: I think so.

15 MR. DEASON: Okay. IX, Dozer or
16 Loader. Dozer or Loader Stockpile Only. The only
17 thing that was changed was to add -- is Stockpile.

18 MS. MCGUARAN: Uh-huh.

19 MR. DEASON: All right. And X, Drill
20 Operator, took out "piling" and changed -- in that
21 same sentence, it says, "one who sets up and
22 operates a drill mechanism, auger or core barrel,
23 for," and we struck "driving" and put "for
24 drilling for piling." Is that correct?

25 (No verbal response.)

1 MR. DEASON: Okay. And then at the
2 last part of that, everything remained the same
3 except "and may perform other related duties.
4 Drilling may be vertical or horizontal."

5 MS. MCGUARAN: Can I just ask, up
6 above, "for drilling for piling"; for, for?

7 MR. DEASON: Yeah. That doesn't look
8 right.

9 MS. MCGUARAN: It just doesn't look
10 right. Is there another word that is as accurate?

11 MR. THOMPSON: Or for drilling pile.

12 MR. DEASON: "For drilling piling."
13 Okay.

14 MS. MCGUARAN: Okay.

15 MR. DEASON: Yeah. That did not...

16 MS. MCGUARAN: Okay. Thanks.

17 MS. WHITTAKER: So up above, on the
18 Dozer or Loader, right before that -- sorry -- I
19 thought we had deleted "Stockpile Only," struck
20 that and left "Dozer or Loader means one who
21 operates a rubber tire."

22 MR. THOMPSON: No. This was -- what
23 we're trying to do here is we're trying to get
24 somebody who's working the piles. Like they could
25 be loading bins. They could be pushing millings.

1 They could be -- so it's pushing on a stockpile or
2 working a stockpile, not -- because then you get
3 into the different sized loaders. Remember,
4 because we've got a big loader, little loader, all
5 that or whatever.

6 MR. WRIGHT: You're basically
7 differentiating somebody that feeds an asphalt
8 planter or a concrete planter.

9 MR. THOMPSON: That's correct, or
10 working a pile, just pushing on a pile.

11 MR. WRIGHT: Or pushing it back up.

12 MR. THOMPSON: Right, a stockpile.

13 MR. WRIGHT: Somebody that works at
14 the plant versus out on the job, really.

15 MR. THOMPSON: I mean, they could be
16 on a plant that's on site, but they're just
17 doing...

18 MR. DEASON: So do we leave that
19 "Stockpile" on there?

20 MR. THOMPSON: That's correct.

21 MR. DEASON: Okay. Drill Operator,
22 piling.

23 MS. MCGUARAN: You already did that
24 one.

25 MR. DEASON: We did that one.

1 Mulcher or Seeder Operator, no
2 change.

3 XII, Pile Driver Operator, no change.

4 MR. WRIGHT: We talked about that
5 last time. Is there such a thing as a Pile Driver
6 Operator?

7 MR. THOMPSON: Because you're doing
8 it on a crane.

9 MR. WRIGHT: Because you're doing it
10 out of a crane and there's the -- I don't --

11 MS. WHITTAKER: I thought we decided
12 to just leave it.

13 MR. WRIGHT: Okay. Was that in honor
14 of Brian, probably?

15 MS. WHITTAKER: Possibly.

16 MR. WRIGHT: Okay. Works for me. I
17 don't really know when I would have one, but it's
18 all good.

19 DEPUTY COMMISSIONER SCOTT: All
20 right. Next.

21 MR. DEASON: All right. Pump
22 Operator, no change.

23 We struck Roller Operator Asphalt.

24 MR. THOMPSON: We moved it.

25 MR. DEASON: Oh, okay. And then XIV

1 becomes Roller Operator Other than Asphalt. Tom
2 educated me that "sheepsfoot" is the proper term
3 there.

4 MR. THOMPSON: Yes.

5 MR. DEASON: Soil Stabilization
6 Machine Operator, no change.

7 Striping Machine Operator. I just
8 thought that was a typo. Okay.

9 After Striping Machine, Track Drill
10 Operator, it looks like no change.

11 Tractor Operator Boom and Hoist, no
12 change.

13 And then we get into the trucks.

14 Truck rigid frame or articulated
15 off-road Operator, Number XIX.

16 MR. THOMPSON: That's correct.

17 MR. DEASON: Okay. And then Power
18 Broom Operator.

19 MR. THOMPSON: That's correct.

20 MR. DEASON: Number 7, Concrete
21 Finisher, no change.

22 8, Drill Operator Caisson or Drilled
23 Shaft, added at the end of that one, "Generally
24 used for caissons or shafts greater than 72 inches
25 in diameter."

1 Electrician, no change.

2 Farm Tractor Operator, struck "power
3 broom" from that and struck "small" from "gasoline
4 or diesel powered." Let's see. And then under
5 the Note, "The tractor is used to pull," struck
6 "pneumatic," "used to pull compaction equipment or
7 farm implements and is operated by steering with
8 the wheel and brake clutch."

9 MR. THOMPSON: That's correct.

10 MR. DEASON: Ironworker, no change.

11 Ironworker - Structural, no change.

12 Large Crane Operator, made that to
13 say "greater than 50 tons," from 20, up from 20.

14 14 is Mechanic - Class I Heavy Duty,
15 no change.

16 15 is Light Duty Mechanic, no change.

17 16, Painter or Sandblaster, no
18 change.

19 17, Skilled Laborer, where we, let's
20 see, struck "survey helper/rod man," and
21 "further" -- and then we have "is further defined
22 as follows."

23 MS. MCGUARAN: So I think this is
24 where you want to get rid of all that stuff. We
25 want to make sure that the --

1 MR. THOMPSON: The top, yeah.

2 MR. DEASON: "Skilled Laborer is
3 defined as follows," colon?

4 MS. MCGUARAN: Yeah.

5 MR. THOMPSON: Yes.

6 MR. DEASON: Okay. Air Tool
7 Operator, no change.

8 Asphalt Raker, no change.

9 Chain Saw Operator, no change.

10 Concrete Mixer Operator, Less Than
11 1 Yard. Cubic yard?

12 MS. WHITTAKER: Yes.

13 MS. MCGUARAN: Probably not all
14 capitals either.

15 MR. DEASON: Did we have "one"
16 spelled out before?

17 MS. MCGUARAN: No. It's the number,
18 not the word.

19 MR. DEASON: Okay. That was the --
20 no change in that.

21 Concrete Rubber, no change.

22 Fence Erector, no change.

23 Form Setter Steel Road. Is that
24 right? "Steel Road" or "Rod"? "Steel Road" is
25 correct for 6?

1 MS. MCGUARAN: So the only thing I
2 would say is that up at the top -- and I only
3 noticed it because you did some editing to it.
4 Mechanic's helper was listed under Skilled
5 Laborer, but it's not listed below.

6 MR. DEASON: Okay. Would that be
7 considered skilled labor, tire change and oil
8 change?

9 MR. THOMPSON: You could almost take
10 the mechanic's helper --

11 MS. MCGUARAN: Uh-huh.

12 MR. THOMPSON: We could almost take
13 the Welder's Helper and do a little modification
14 and make it --

15 MR. WRIGHT: A mechanic's helper over
16 the years -- where would you put an oiler in this?

17 MR. THOMPSON: Skilled.

18 MR. WRIGHT: As a skilled labor?

19 MR. THOMPSON: Uh-huh.

20 MR. WRIGHT: So a mechanic's helper
21 or --

22 MS. MCGUARAN: Because you guys had
23 added to mechanic's helper, "tire changer or
24 oiler" --

25 MR. WRIGHT: Okay.

1 MS. MCGUARAN: -- in parentheses
2 after that, and that's when I noticed that we
3 don't have it defined down below.

4 MR. THOMPSON: We have to write a
5 description for that one.

6 MS. MCGUARAN: So if you copy the
7 Welder's Helper --

8 MR. THOMPSON: Well, I'm just saying
9 you can start off that way and just kind of
10 start --

11 MS. MCGUARAN: Let's call it
12 Mechanic's Helper, and in parentheses say "tire
13 changer or oiler," and then you guys define it.

14 MS. WHITTAKER: Could you use any of
15 the description from 15, the Mechanic - Class II
16 Light Duty? Or could you say mechanic's helper is
17 one who assists a heavy duty or light duty
18 mechanic?

19 MR. THOMPSON: I think that would be
20 much better. And also oils or fuel -- you could
21 put like "oils or fuels." Could you do it that
22 way?

23 MR. WRIGHT: Excuse me. An oiler is
24 basically like a routine maintenance person. He
25 does daily maintenance. Is that a fair way of

1 saying that?

2 MR. THOMPSON: Uh-huh.

3 MS. WHITTAKER: So a mechanic's
4 helper is one who assists a mechanic.

5 MR. WRIGHT: And does routine
6 daily --

7 MS. WHITTAKER: Maintenance.

8 MR. WRIGHT: -- maintenance.

9 MR. THOMPSON: Including.

10 MR. WRIGHT: Including, yeah.
11 Including oil and fuel.

12 MR. THOMPSON: Including oil and --

13 MS. MCGUARAN: Including tire
14 changing and oiling.

15 MR. THOMPSON: Right. That's it.

16 MR. DEASON: "Mechanic's Helper means
17 one who assists" --

18 MR. THOMPSON: Assists, yes. Assists
19 a mechanic and performs --

20 MR. DEASON: Do we need to say heavy
21 and light duty mechanics or just --

22 MR. THOMPSON: I think it could be
23 either, don't you? I mean, I don't --

24 MS. MCGUARAN: A mechanic.
25 Mechanics, yeah.

1 MR. THOMPSON: With -- wait a minute.
2 Let's see here. Assists mechanics --

3 MR. DEASON: There might be more than
4 one.

5 MR. THOMPSON: -- and performs
6 routine maintenance.

7 MS. MCGUARAN: Including tire
8 changing and oiling.

9 MR. THOMPSON: Is that good?

10 MR. WRIGHT: Looks good to me.

11 MR. THOMPSON: It doesn't really need
12 fueling in there, I don't think, does it? I think
13 that's kind of given. Okay. That's kind of
14 almost the same person.

15 MR. DEASON: Okay. Form Setter Steel
16 Road, Guard Rail Erector, no change.

17 Handler, no change.

18 Added Mechanic's Helper.

19 Nozzleman or Gunman, Gunite, no
20 change.

21 Pipelayer, no change.

22 Sign Erector, no change.

23 Welder's Helper, no change.

24 After that, 19, Survey Instrument
25 Operator was struck and, I think, maybe moved.

1 And we've got Sweeping Machine,
2 Vacuum, Operator.

3 Then we get back into the trucks.

4 Number 19, Truck Driver. We have
5 "on-highway straight trucks with a GVWR of
6 26,001 pounds or more." Struck "multi rear axle."
7 Replaced "bends" with "beds." And that's where
8 that one stands.

9 MR. THOMPSON: It's good.

10 MR. DEASON: Good? All right.

11 Truck Driver, on-highway combination
12 trucks with a GVWR of 26,001 pounds or more.
13 Added to that, "transport construction equipment
14 and materials."

15 MS. MCGUARAN: Can I ask if we have
16 26 -- why is it 001?

17 MR. WRIGHT: It's the way the federal
18 law is written.

19 MS. MCGUARAN: Interesting. Okay.
20 Thanks.

21 MR. WRIGHT: I think.

22 MR. THOMPSON: It is.

23 MR. WRIGHT: I don't know why.

24 MR. THOMPSON: Is it 26,000 or 26

25 dot --

1 MR. WRIGHT: 26,001. I've always
2 thought it was 0-1.

3 MR. THOMPSON: It's more than
4 26,000 pounds.

5 MS. MCGUARAN: So it should just
6 be -- or should it just say with a GRE of more
7 than 26,000 --

8 MR. THOMPSON: Right.

9 MS. MCGUARAN: -- or less than,
10 right?

11 MR. THOMPSON: No; just more than for
12 both of them.

13 MS. MCGUARAN: More than. Instead of
14 "or more," it should say "more than 26,001" at the
15 top.

16 MR. THOMPSON: It should be "GVWR of
17 more than 26,000 pounds."

18 MR. WRIGHT: 26,001, more than.

19 MR. THOMPSON: Technically. We're
20 arguing over 16 ounces here. 15 ounces, if you
21 want to get technical.

22 MS. MCGUARAN: The biggest thing is 1
23 is just such a weird number.

24 So both of those should just not have
25 the 1 anymore. The one above as well.

1 MR. WRIGHT: Actually, the federal
2 law says 26 -- more than 26,000 pounds.

3 MR. THOMPSON: That's right.

4 MR. WRIGHT: So that would be 26,001.

5 MR. THOMPSON: Well, no. It could be
6 26,000 pounds and --

7 MR. WRIGHT: 8 ounces?

8 MR. THOMPSON: Right.

9 MR. WRIGHT: Okay. If we get that
10 close, we're --

11 MR. THOMPSON: I promise you, they're
12 going to the nearest.

13 MS. MCGUARAN: So that would be "more
14 than" up at the top there where you're at. "More
15 than."

16 MR. THOMPSON: Is it 10 percent?
17 There is a variance there.

18 Ann, all we're trying to do here is
19 capture CDL drivers. That's the whole...

20 MS. MCGUARAN: Yeah.

21 And there's -- on 20, in that closed
22 parentheses, you've got an extra "e." Okay.

23 MR. DEASON: 22, Truck Driver was
24 stricken.

25 And then we get to 21, Unskilled

1 Laborer. And that is cleaned up quite a bit. All
2 of these, really, but this one in particular.

3 MS. MCGUARAN: Does that look good?

4 MR. THOMPSON: Yeah. That's the
5 Dewayne, bricklayer's job, Commissioner down there
6 at the bottom.

7 MR. HERROD: Is it "stripes forms" or
8 "strips forms"?

9 MS. MCGUARAN: Strips.

10 MR. THOMPSON: Strips.

11 MR. HERROD: Strips forms.

12 MR. DEASON: Where does it say that,
13 Tom?

14 MR. HERROD: It's the fourth line
15 down, but it's right. It's okay like it is.

16 MR. DEASON: And then add that long
17 section, "proportions materials for mortar/grout
18 and mixes them by hand or with machines; lays
19 brick pavers or retaining wall blocks; performs
20 basic surveying tasks such as moving stakes or
21 taking measurement."

22 MS. MCGUARAN: Okay. So these are
23 the things that got removed. They just got moved
24 into Unskilled Labor. Okay. Cool.

25 MR. DEASON: "And may perform other

1 related duties." That was all stricken.

2 MS. MCGUARAN: And then we just have
3 Worksite traffic.

4 MR. DEASON: And then the mixer was
5 moved, the descriptions moved.

6 So the last one in this section,
7 Worksite Traffic Coordinator, change that to mean
8 a certified person who supervises and coordinates
9 activities of workers engaged in erecting signs or
10 devices and may perform other related duties --
11 signs or devices used in work zones and may
12 perform other related duties.

13 MS. MCGUARAN: So this isn't a
14 flagman, a flagman unskilled labor?

15 MR. THOMPSON: Right.

16 MS. MCGUARAN: Okay.

17 MR. WRIGHT: That's a very, very
18 important job.

19 MR. THOMPSON: Most of those are
20 salary. You won't have very many that are
21 afforded that.

22 MR. WRIGHT: Because a wreck, that
23 gets checked so diligently.

24 MR. DEASON: Does anybody have a
25 problem with that one?

1 (No verbal response.)

2 MR. DEASON: Okay. So I think the
3 rest of the rules in this chapter, there's nothing
4 there to change.

5 I'll just mention it. At the very
6 bottom, Copy Fee, I just added a section down
7 there. The fees set for public records requests,
8 copies we make are by this Office of Open Records
9 Counsel. And I just changed that to if the
10 copies -- the schedule by the Open Records Counsel
11 conflicts with what we have in here, that the Open
12 Records Counsel's schedule controls in case this
13 50 cents, 15 pages -- or 15 cents a page changes.
14 So we don't have to come back and change this one,
15 hopefully ever.

16 MS. MCGUARAN: But right now, the
17 words above it matches what the Records Counsel
18 dictates.

19 MR. DEASON: It does at this point.

20 MS. MCGUARAN: Yeah.

21 DEPUTY COMMISSIONER SCOTT: So how do
22 we -- do we want to have a motion to --

23 MR. DEASON: If I may, Mr. Chairman,
24 I think we should call for a motion to entertain
25 further discussion on any of these items. And

1 then I think there's too much to go individually,
2 but if we, I think -- and I'm just thinking
3 through this. The changes that we've discussed
4 today and made in this document, if we vote to
5 adopt those and submit for a change to the
6 Secretary of State's office, submit for a rule
7 change.

8 DEPUTY COMMISSIONER SCOTT: Okay.
9 Can I have a motion from someone for what he just
10 said?

11 MR. THOMPSON: So moved.

12 MS. MCGUARAN: I think the motion --
13 the first thing is you want to ask is there a
14 motion for any further discussion on this
15 document? I would like to move that there be no
16 further discussion on this document.

17 MR. WRIGHT: Second.

18 MR. DEASON: So the motion will be to
19 accept the changes in this document that's on my
20 computer, that's on the screen.

21 MS. MCGUARAN: Right.

22 Then we would like to move to accept
23 all the changes in this document that are on the
24 computer, on your screen. The only correction
25 would be alphabetizing those things that may not

1 currently be alphabetized.

2 So moved.

3 DEPUTY COMMISSIONER SCOTT: Motion.

4 Second?

5 MR. THOMPSON: Second.

6 DEPUTY COMMISSIONER SCOTT: All

7 right. Second.

8 All in favor of accepting the motion,
9 state it by saying "aye."

10 (Affirmative response.)

11 DEPUTY COMMISSIONER SCOTT: Any

12 opposed?

13 (No verbal response.)

14 DEPUTY COMMISSIONER SCOTT: Okay.

15 All those changes as made on the screen there are
16 accepted. Motion carries. Okay.

17 Okay. We've got our future
18 prevailing wage meeting dates, September the 12th,
19 November the 14th, and November the 26th, all at
20 1:30 p.m. It should be in this same room.

21 And if there's no other items,
22 Mr. Starwalt, you are recognized.

23 MR. STARWALT: Kent Starwalt,
24 Tennessee Road Builders Association.

25 May I ask, what the next -- what's

1 the procedure from here? What's the next steps
2 that happen?

3 MR. DEASON: So we have to
4 incorporate all this. It's in the document, but,
5 you know, we're going to alphabetize it. And a
6 couple of minor -- I see a couple of minor
7 formatting changes. But the substance of the
8 document will be submitted with the forms required
9 by the Secretary of State's office. The
10 Governor's office has to look over it and give
11 their okay. The Attorney General's office has to
12 look over it and give their okay, submit it to the
13 Secretary of State's office.

14 There will be a public hearing where
15 people will have the opportunity to say whatever
16 they may want to say. The Government Ops
17 Committee will have to approve it in our
18 legislature. And then if there's no hiccups in
19 the road, it will sit for a certain amount of time
20 in the Secretary of State's office and will become
21 effective. We're trying to beat a certain date.
22 We want it to become effective before the next
23 letter goes out.

24 MR. STARWALT: So a question would be
25 if we see something -- actually, if we see some

1 other small changes that may be made, we can do
2 that as part of the comment period during the
3 rulemaking process, during the hearing -- or
4 before the hearing, basically.

5 My point is if we catch something
6 that we maybe missed, we could just make a public
7 comment as part of the rulemaking, and those
8 changes could be made then as well, if you accept
9 them, if they're accepted by the Department.

10 MR. DEASON: Yes. If this body
11 agrees to that, certainly.

12 MR. STARWALT: Okay.

13 MR. WRIGHT: Are you going to send us
14 a copy of when you final draft this? Because that
15 would be the only thing I would like to see. And
16 if they're turned out in the next 96 hours, to be
17 something that we -- so this isn't what we thought
18 we were doing, can we make a motion now to correct
19 minor things? I don't know. I mean, would that
20 require another meeting?

21 MR. DEASON: I mean, to be clear, I
22 believe the Board voted on the substance of this
23 document, the wording. If there's a colon that
24 should be a semicolon, that's not a substantive
25 change, that kind of thing. We can't go back and

1 change a definition without an actual vote of this
2 body.

3 I will say this. Once the rules are
4 put on file, the Secretary of State's, we can --
5 "yank" them is not a good word. We can ask them
6 to take them off the notice period, and we can
7 come back and redo something substantial if we
8 have to within this document. We would like to
9 get it out.

10 MR. WRIGHT: I personally don't
11 envision that. I think this is -- I appreciate so
12 much the effort that the Department and the
13 Commission has put into this because it's needed
14 to do it since I've been on this group. We tried
15 it several years ago and ran out of energy before
16 we got this far.

17 So thank you-all for it. And I
18 believe it will make a difference and it will be
19 cleaner, neater for the people trying to do the
20 work. And I think it will help our reporting.
21 And if we can encourage others to submit more
22 data, it also will be helpful to the process.
23 More information will be included.

24 If there was a period in the wrong
25 place, I'll fix that. But if you would send us a

1 copy, it would be nice, so that we kind of know
2 what we truly voted on, because I had like five
3 papers, none of which are the same on it.

4 MR. DEASON: I understand that. You
5 can probably tell I was confused at times today,
6 so I think we got it.

7 DEPUTY COMMISSIONER SCOTT: So,
8 Chance, we're anticipating -- I'm asking Tia as
9 well. Does this law occur before September 12th
10 meeting?

11 MS. XIXIS: It depends on how long --
12 we don't have any ability to force the Attorney
13 General's office or the Governor's office to give
14 us a timely analysis; that it depends on what's in
15 line in front of us.

16 I would say, in case there are any
17 substantive changes, that once Chance gets it
18 out -- somebody mentioned 96 hours. That if we
19 get that out for next week, that you-all try to
20 make the commitment to review it; that if there
21 are any substantive changes while he's working on
22 those paperwork pieces, that we know if we need to
23 call up an emergency meeting to try to make those
24 changes sooner than later. Because typically, the
25 process does take more than six months. And so

1 we're already knocking on the door, that we may
2 have problems.

3 MR. DEASON: Like Tia said, the two
4 things we can't control are the Attorney General's
5 office and the Governor's. We can ask that it be
6 moved to the front of the line and explain the
7 urgency.

8 DEPUTY COMMISSIONER SCOTT: Right.

9 MR. DEASON: They may or may not.

10 DEPUTY COMMISSIONER SCOTT: So
11 assuming that has occurred, Tom, what will take
12 place in the September 12 meeting?

13 MR. HERROD: We'll go over the survey
14 letter, survey form -- survey letter and form at
15 that time, assuming all the changes have been
16 made, and the survey letter and form will be
17 changed at that point to reflect what we've done
18 today. If it hasn't been, it will be the old
19 form, the old letter. One way or the other, we'll
20 have a September 12 meeting.

21 DEPUTY COMMISSIONER SCOTT: With
22 whatever is in place at that time.

23 MR. HERROD: Whatever is in place at
24 that time.

25 DEPUTY COMMISSIONER SCOTT: Okay.

1 Any other discussion items?

2 (No verbal response.)

3 DEPUTY COMMISSIONER SCOTT: Motion to
4 adjourn?

5 MR. WRIGHT: So moved.

6 DEPUTY COMMISSIONER SCOTT: Second?

7 MS. WHITTAKER: Second.

8 DEPUTY COMMISSIONER SCOTT: In favor
9 say "aye."

10 (Affirmative response.)

11 DEPUTY COMMISSIONER SCOTT: Any
12 opposed?

13 (No verbal response.)

14 DEPUTY COMMISSIONER SCOTT: This
15 meeting is adjourned.

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17 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 26th day of March, 2024.

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 16th day of April, 2024.



Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/4/2028