

**PREVAILING WAGE COMMISSION MEETING
AUGUST 6, 2010
MINUTES**

PRESENT: **COMMISSIONER JAMES NEELEY
BRENT HALL
RANDY LOVETT
Additional Attendees (See attached sign in sheet)**

Recorded by: Christina J. Tugman

Please note this transcript is not a word-for-word account. Some general discussions and comments have been omitted for the sake of brevity.

I. Call to Order and Roll Call:

Christina J. Tugman called the meeting to order at 9:45 a.m. with three Commission Members present creating a quorum.

II. Conflict of Interest Declaration:

Commissioner Neeley stated to the Commission that all Conflict of Interest statements needed to be filled out accordingly.

III. Old Business:

Review of the minutes from the November 19, 2009, meeting.

Brent Hall motioned to approve the minutes from the Prevailing Wage Commission meeting of November 19, 2009.

**Randy Lovett seconded.
All approved. Motion passed.**

Review the addition of the Low Voltage/Communication Technician to the Prevailing Wage Act's Classification of Workers.

Brent Hall motioned to approve the addition of the Low Voltage/Communication Technician to the Prevailing Wage Act's Classification of Workers.

**Randy Lovett seconded.
All approved. Motion passed.**

Review and approve the definition of Off Road Truck Driver and approve its addition to the Prevailing Wage Act's Classification of Workers.

Randy Lovett stated that there was not a good fit for this classification on the previous survey and that it was difficult to define, because of the various types of trucks.

Brent Hall continued the discussion with issues of the articulated truck present on road building sites.

Mary Ellen Grace confirmed that in the last meeting R.T. Summers talked about putting those types of trucks under operators. It should be classified under heavy equipment that it is not really classified as a "road truck".

Commissioner Neeley committed that he had no opposition to classifying the trucks under operators. A majority of these trucks are ones that will be driven on the jobsite.

Brent Hall stated that trucks of this nature are hauled to the jobsite and not driven to the jobsite.

Mary Ellen Grace stated that the trucks should be classified under Class "A" Operators due to these being heavy pieces of equipment.

Randy Lovett stated that when looking at the Class "A" Operator classification for these trucks it doesn't necessarily apply. The Commission should look at Class "B" Operator.

Commissioner Neeley asked for the motion to have the Off Road Truck Driver classification placed under Class "B" Operator.

Randy Lovett made a motion to classify Off Road Truck Driver under Class "B" Operator.

Brent Hall seconded.

All approved. Motion passed.

Sydne Ewell addressed Commissioner Neeley asking if the Commission wanted to place this classification under the section for "Highways" or under the other section as well "buildings and highways" with two Class "B" Operators. She directed the Commission to review the rules on page 7 and 16 under Tab 7 in the presentation notebook.

Mary Ellen Grace confirmed that there are occurrences in building construction where a building rate will be assigned, but in other occurrences - when getting the building site ready, some of this equipment will be used.

Commissioner Neeley agreed that he did not want this classification to apply to highways.

Sydne Ewell confirmed that she would prepare a draft of the rules and incorporate language similar to what the Commission has presented in the draft rules and provide it to the Commission so that they can make a final decision at their next meeting.

Mary Ellen reiterated the decision to not survey for Off Road Truck Driver and that it will be placed under Class "B" Operator, therefore there will only be 24 classifications instead of 25 classifications and we will have to designate on the form under Class "B" Operator to include this type of equipment.

Brent Hall asked Mary Ellen Grace if there will be an example provided of an articulated truck and Mary Ellen Grace stated that there will be a clarification of language.

Michael Dattilo pointed out to the Commission that in the presentation manual there is an example of the 2010 Highway and Bridge form. He stated that there can be an adjustment of this form to reflect that Off Road Trucks and/or other trucks that are included can be listed under Class "B" Operator.

IV. New Business

The Commission reviewed and discussed the Preliminary 2010 Building Survey Mailing List. Mary Ellen Grace stated that she contacted the UI division and requested a list of active contractors in the State of Tennessee. This was done in order to get a more cohesive and accurate list. Mary Ellen Grace also stated that the Highway contacts were taken from the TDOT vendors' list. The list has grown smaller because some on that list were only suppliers.

Commissioner Neeley asked if this list would match up with TDOT

Mary Ellen Grace stated that we can do one of two things: either mail to the respondents of last year or continue to mail from TDOT's vendors' list.

Commissioner Neeley stated that the survey contacts should be taken from the TDOT's vendors' list because there may be a difference of who was working this year verses last year.

Michael Dattilo called the Commission's attention to Tab 6, as to who the recipients of last year's survey were.

Commissioner Neeley stated that mailing to the UI list will give us a broader spectrum on the survey.

An attendee brought to the Commission's attention that while reviewing the mailing list that several addresses were incorrect and that the mailing list needed to be verified and corrected.

Commissioner Neeley asked when the survey must be mailed out.

Mary Ellen Grace stated that the survey must be mailed out by September 30, 2010.

Commissioner Neeley stated that when we receive the mailing list from TDOT that R.T. Summers would need to look over the list in order to verify and confirm that the addresses and names are correct.

Mary Ellen Grace stated that we must have verification of this list no later than September 1, 2010.

Another issue to come before the Commission is the State Certified Payroll Form.

Mary Ellen Grace stated that some contractors currently use the Davis-Bacon Form (WR347). Under the Davis-Bacon Act an employer is only required to place the last 4 digits of the employee's social security number on the form. In dealing with the Fraud Unit, Workers' Compensation and the UI Division it is imperative that we have the entire social security number placed on the form. We would also like this form in PDF format so that it may be placed on a disk and/or slide, and possibly our website. We need this form to be standardized and we also need approval from our printing division in order to produce this form. This form would exclusively be a TDLWD document.

Randy Lovett expressed concern that placing full social security numbers could become an issue and is worried that there may be conflict with contractors putting this information on the form.

Commissioner Neeley stated that he has never recalled an instance where within UI full social security number disclosure has ever been an issue nor has confidentiality been an issue.

Dan Bailey asked Mary Ellen Grace if the contractor would send our division this information electronically. Mary Ellen Grace stated that the form would be downloaded, filled out, and sent to us via mail.

Commissioner Neeley asked for a motion to approve the State Certified Payroll Form.

**Brent Hall made a motion to approve the State Certified Payroll Form.
Randy Lovett seconded**

All approved. Motion passed.

V. Meeting Adjournment

The next meeting of Prevailing Wage Commission will be held on November 16th, 2010 at 10:00 a.m. in the Tennessee Room.

The final meeting of the Prevailing Wage Commission will be held on December 1, 2010 at 10:00 a.m. in the Tennessee Room

Both meeting schedules will be sent out as appointments to all Commission members.

Commissioner Neeley made a motion to adjourn

Randy Lovett seconded

Motion carried