

PREVAILING WAGE COMMISSION MEETING  
November 18, 2013  
MINUTES

PRESENT: KIM Y. JEFFERSON, CHAIR (INTERIM)  
R.T. SUMMERS  
WAYBURN CRABTREE  
ALAN ROBERTSON

Recorded by Christina J. Tugman

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

**I. Call to Order and Roll Call**

The Prevailing Wage Commission meeting was called to order by Kim Y. Jefferson with the members of the Commission stating their names for the record.

Various members of the gallery stated their name for the record of attendance.

**II. Conflict of Interest**

Kim Y. Jefferson asked the Commission if there had been any amendments to the Conflict of Interest Statements. No Commission member had anything to declare.

**III. Old Business**

Review and approve the minutes from the September 17, 2013, Prevailing Wage Commission meeting.

**Kim Y. Jefferson asked for a motion to approve the minutes from the September 17, 2013, Prevailing Wage Commission meeting.**

**R.T. Summers motioned. Wayburn Crabtree seconded.**

**All approved. Motion carried.**

**IV. New Business**

Review and discuss data from the 2013 Highway & Bridge Construction survey.

R.T. Summers wanted the Commission to look at Classification 16, Powder Person Blaster, Tab 20, last entry. Robert & Cassie Construction Co., Inc. entered an amount of \$88.00 per hour. Summers believes that this entry was a clerical error on the part of the company. Therefore he

stated to the Commission that the Commission could either withdraw the data from the survey and/or contact the company for verification.

Kim Y. Jefferson addressed Christina Tugman as to what type of information we collected on this company.

Christina Tugman stated that because the company has entered the information online that we would not have a physical form. Christina Tugman asked if the Commission would like to either withdraw the data and/or make a motion to contact the company to verify the data and make the appropriate changes.

R.T. Summers stated that the Commission could move on with the meeting.

Alan Robertson stated that the Commission could withdraw the data; the Commission has the authority to do so.

Wayburn Crabtree stated that the Commission would lose 183 hours of work that could be instrumental in determining the rates and that the data should be verified.

Kim Y. Jefferson stated that one of the staff members, Thomas Hamlett, along with Yvette Amick will make contact with the company in question, Robert & Cassie Co., in order to verify the data.

R.T. Summers stated that Class "A" and Class "B" Operators went down a few cents. Class "A" Operator went down by -.48% (\$18.53) and Class "B" Operator went down by -.55% (1642). Summers asked that a motion be made to maintain the rate at the 2013 Prevailing Wage.

**Alan Robertson made a motion to maintain Class "A" and Class "B" Operator rates at the 2013 Highway and Bridge Prevailing Wage Rate of \$18.62 for Class "A" Operator and \$16.51 for Class "B" Operator for the 2014 Highway and Bridge Prevailing Wage Rate.**

**R.T. Summers seconded.**

**All approved. Motion carried.**

R.T. Summers stated that the Commission can accept the proposed rates for the 2014 Prevailing Wage Rates with the notation that the Powder Person Blaster rate will change with the verification of the data.

**R.T. Summers made a motion to accept the proposed rates for the 2014 Highway and Bridge Prevailing Wage rates with the changes put forth with verification of the Powder Person Blaster data.**

**Alan Robertson seconded.**

**All approved. Motion carried.**

Discussion

Christina Tugman addressed the Commission on the rate of the new classification Crane Operator. There has been no definite rate established for this classification; but the survey rate showed \$19.02 as the average wages paid.

**R.T. Summers made a motion that the survey had sufficient amount of responses and there has been a definition established for the Classification of Crane Operator. The Commission can accept the rate of \$19.02 as the rate for the Classification of Crane Operator.**

**Alan Robertson seconded.**

**All approved. Motion carried.**

Kim Y. Jefferson asked the Commission members if they would like to discuss the changes to the Prevailing Wage Act.

R.T. Summers stated that it would be less time consuming for the Commission not to include the building portion of the law.

Alan Robertson asked if our data submittal had increased.

Christina Tugman responded that the data had increased. Labor Standards mailed out 850-900 letters asking for participation in the survey. We received between 500-600 responses with over 100+ companies submitting their data.

Kim Y. Jefferson asked the Commission members to please give some information about them as what their positions are on the Commission.

Wayburn Crabtree stated that he is the Director of Estimating and Market Analysis for Tennessee Department of Transportation.

R.T. Summers stated that he is owner and operator of Summers and Taylor Construction. The company is involved in grading, paving, bridges, asphalt, etc.

Alan Robertson stated that he is currently the Interim State Architect for Department of Finance and Administration.

Alan Robertson furthermore discussed his role with the Task Force meeting that includes contractors from around the State.

Dan Bailey addressed the Commission stating that, if the Commission chooses to withdraw data that was submitted by a company, the said company would need to be notified to as why their data was withdrawn from consideration. (Rule 0800-3-2-.08.)

Dan Bailey also stated that the new law will be in effect January 1, 2014. The new law has deleted some verbiage and/or sections of the Prevailing Wage Act. One particular section that was deleted was T.C.A. 12-4-405 (4). This section gives the Commission the authority to use 6% in determining the Prevailing Wage rates. It calls into question whether the Commission will still have the authority to use the percentage.

Sydne Ewell stated that the correct information should be available on the website.

Kim Y. Jefferson asked Sydne Ewell to look at the new act for clarification.

Wayburn Crabtree commented that TDOT is no longer required to incorporate Prevailing Wage rates as a provision in their contracts. That was part of the language that was taken out of the new law.

Kent Starwalt stated that the language was placed back in the law and that TDOT would still need to use the Prevailing Wage rate within their contracts.

Dan Bailey cited §T.C.A. 12-4-407 *Rates set out in specifications.*

*Before advertising for bids or entering into any contract for a state construction project, every state agency under whose jurisdiction such work is to be performed shall ascertain from the Commission prevailing wage rates for all classifications as herein provided in the areas where the work is to be performed. The schedule of wages shall be attached to and made a part of the specifications for the work, and shall be printed on the bidding blanks and made a part of every contract for the construction of any state construction project.*

Thomas Hamlett addressed the Commission with pertinent information pertaining to Robert & Cassie Co. Thomas Hamlett spoke with Ms. Stacey Neuleb, the individual who entered the data. The employee listed on the survey form including the work for the Powder Person Blaster, actually performed the work; but is also the owner of the company and is a salaried employee.

R.T. Summers stated that because this individual is not an hourly paid employee and is salaried, that the data would need to be withdrawn from the survey.

**R.T. Summers made the motion to withdraw the data from the Powder Person Blaster classification and recalculate the rate.**

**Alan Robertson seconded the motion with the understanding of notification to the company as to why their data is being removed.**

**All approved. Motion carried.**

Kent Starwalt addressed the Commission regarding the new law passed. He asked the Commission to look at Public Chapter 280, which was officially signed by the House, Senate, and the Governor. Under Section 10, 12-4-405(4) the only change is the deleted language “and biennially for building construction”. The section that speaks to the 6% will remain the same. The building survey language is the only change. There is still statutory authority for the Commission to use the 6%.

There was discussion and introduction from the gallery.

**Adjourn**

**Kim Y. Jefferson adjourned the Prevailing Wage Commission meeting on November 18, 2013.**