FOR THE CASE OF
Prevailing Wage Commission Meeting

TRANSCRIPT OF
11/16/17 Meeting Minutes
November 16, 2017

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STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

AGENDA

I. Call to Order and Roll Call

II. Announcements

III. Old Business

* Review and Approve August 30, 2017 Prevailing Wage Commission Meeting Minutes

IV. Prevailing Wage Report

* Carolyn Sherrod - Administrative Process

* Kenneth Nealy - Investigative Process

* Jan Caudill - 2017 Prevailing Wage Statistics

V. New Business

* Set Preliminary Rates for 2018 Prevailing Wage for State Highway Construction Projects

VI. Additional Business

* Whether Prevailing Wage rates apply to aeronautic projects, i.e. runways, taxiways and T-hangars.

VII. Adjournment

COMMISSIONER PHILLIPS: Okay. All right. Well, welcome everybody, the three of us. And Ann, you're on the phone, right? She's on the phone?

MS. MCGAURAN: Yes, sir.

COMMISSIONER PHILLIPS: You're here, in spirit and --

MS. MCGAURAN: Yes, sir.

COMMISSIONER PHILLIPS: Good. So we need to call to order and roll call. Right?

MS. CAUDILL: Uh-huh.

COMMISSIONER PHILLIPS: So Wayburn?

11. Present?

MR. CRABTREE: Present.

COMMISSIONER PHILLIPS: Ann?

MS. MCGAURAN: Yes, sir?

COMMISSIONER PHILLIPS: You're here, right? In spirit and --

MS. MCGAURAN: Yes, sir.


MR. WRIGHT: Here, sir.

COMMISSIONER PHILLIPS: And myself, here. So that gives us enough, right?

MS. CAUDILL: Yes.

COMMISSIONER PHILLIPS: Okay. Again, I have an announcement. In the event of an
1. emergency, security and/or staff will take meeting
2. attendees to a safe place in the building or direct
3. them to exit the building on the Rosa Parks side.
4. Something we have to do every meeting.
5. Conflict of interest declarations.
6. Everybody has done that, I'm assuming, correct?
7. MS. CAUDILL: Uh-huh.
8. COMMISSIONER PHILLIPS: And you're
9. going to come get mine?
10. MS. CAUDILL: Yes, sir.
11. COMMISSIONER PHILLIPS: Okay. All
12. right. Old business. So we need to review and
13. approve the August 30th, 2017 Prevailing Wage
14. Commission Meeting minutes. And we need a motion to
15. approve the minutes.
16. MR. WRIGHT: I would move that, sir.
17. COMMISSIONER PHILLIPS: Okay.
18. MR. CRABTREE: Second.
19. COMMISSIONER PHILLIPS: And you
20. seconded, Wayburn?
22. COMMISSIONER PHILLIPS: Got that?
23. All right. All right. How many in favor?
24. MR. WRIGHT: Aye.
25. MR. CRABTREE: Aye.

1. COMMISSIONER PHILLIPS: Aye. How
2. many opposed? If no opposition, motion carries, and
3. it does.
5. So I need for the staff to give us updates and
6. statistics.
7. MS. SHERROD: I'll say good morning
8. and welcome to everyone. As you know, we're rapidly
9. approaching the end of this phase, the meeting --
10. commission meeting phase of the 2017 Prevailing Wage
11. season. We just want to give you a little update of
12. what has transpired since we met on August 30th.
13. And on September the 8th, our team submitted
14. internal application revisions to the Labor
15. Standards Unit for review. And then on
16. September 22nd, all these revisions and adjustments
17. had been corrected and submitted to us once again.
18. And on September 25th, the internal application
19. revisions were completed and tested.
20. September 30th is the last day that
21. is -- or the last day of September is a deadline
22. for our labor standards policy about distributing
23. the surveys to the employers. And employers
24. participating in the survey, should have them
25. submit it back to the Labor Standards Unit on or

1. before October 31st, no later than the third State
2. business day, if postmarked by October 31st.
3. One thing that we felt was
4. significant to bring to your attention was in late
5. September, at the request of Mr. Crabtree, the
6. Labor Standards administrative staff participated
7. in both an electronic and a teleconference survey
8. with the U.S. DOL Wage and Hour Division. U.S.
9. DOL was reviewing the highway survey methods of
10. states nationwide.
11. The questions that were asked were
12. designed to help U.S. DOL determine, A, if the
13. State-conducted highway prevailing wage surveys
14. are consistent with the federal Davis-Bacon wage
15. survey methodology and, B, to determine that if
16. not in compliance with Davis-Bacon, whether or not
17. Tennessee will continue to set prevailing wage
18. rates.
19. The survey questions that they pose
20. related to our -- Tennessee's collection of
21. prevailing wage data, they ask who was surveyed,
22. what information is solicited. They ask if fringe
23. benefit information was gathered and published,
24. how Tennessee defines highway projects, how our
25. rates are calculated, and they also asked our

1. metropolitan and rural areas grouped are separated
2. (verbatim).
3. And just the last thing I wanted to
4. mention on my brief report to you all is that from
5. July 1st through the end of October, October 31st,
6. the Labor Standards office has received seven
7. invitations to attend pre-con meetings for which
8. we have jurisdiction. And as we adhere to the
9. Labor Standards policy, these requests were
10. assigned to the designated inspector for the area.
11. And that's my report.
12. MR. CRABTREE: And I thought your
13. responses to the survey were very good.
14. MS. SHERROD: Thank you so much.
15. COMMISSIONER PHILLIPS: Very good.
16. Next, Kenneth?
17. MR. NEALY: Good morning everyone. A
18. little about the investigative process. As Carolyn
19. just mentioned, we had seven assigned pre-con
20. meetings that we're required to attend. We attended
21. three. Pre-con packets were mailed to the other
22. four meetings. These job types were grading,
23. paving, resurfacing, and constructing of the
24. concrete box bridge.
25. THE REPORTER: Concrete what?
1. As far as anyone turning in data past
2. to an incorrect address.
3. we only had 37 e-mails that were undeliverable due
4. of the mail-in, we had none. Everybody got their
5. information in on time. The calculations of all
6. 25 categories or classifications were computed by
7. using the prevailing wage online database created
8. by IT, along with the notes provided by the
9. commission and the Prevailing Wage Act for highway
10. construction projects.
11. Like I said, all of 25
12. classifications were surveyed. The only one that
13. we had that was incorrect was Brown Builders, and
14. we corrected that information and the rates were
15. recalculated and they are in front of you outside
16. the binder.
17. We had seven classifications with
18. four or fewer responses. That would be Bricklayer
19. had none. Classification eight, the Drill
20. Operator (Cassion) had one. Classification 11,
21. the Ironworkers Reinforcing had one.
22. Classification 12, Ironworkers (Structural) had
23. one. Classification 15, Painter/Sandblaster had
24. one. Classification 16, Powder Person or Blaster
25. had none. And Classification Number 19, the

2. MS. CAUDILL: Good morning. Okay.
3. This year, we sent out 735 surveys. 718 of those
4. were e-mailed and 17 were mailed due to no e-mail
5. address provided. 37 of the e-mailed ones were
6. returned, so we just mailed those out manually. So
7. it was at 681 through e-mail and 54 through the
8. U.S. Postal Service. And that compared to last year
9. was 625, so it was up 110 surveys.
10. Of the 100 -- or excuse me. Of the
11. 735, 603 employers chose not to participate at all
12. compared to 607 last year. We had 132 employers
13. that did respond, 53 through e-mail. Excuse me.
14. 53 through the mail and 79 were online. Of those,
15. 82 had data, 50 had none, either replying that
16. they had no work to report or they did not wish to
17. participate.
18. The 132 responses that we did get
19. resulted in 442 individual surveys or projects
20. that were performed. Of those, 324 were submitted
21. online, 118 were mailed in and entered manually.
22. We had no mail returned since we did so few, and
23. we only had 37 e-mails that were undeliverable due
24. to an incorrect address.
25. As far as anyone turning in data past

1. any of the deadlines, that being October 31st or,
2. in this case, November 3rd, based on the postmark
3. of the mail-in, we had none. Everybody got their
4. information in on time. The calculations of all
5. 25 categories or classifications were computed by
6. using the prevailing wage online database created
7. by IT, along with the notes provided by the
8. commission and the Prevailing Wage Act for highway
9. construction projects.
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12. we had that was incorrect was Brown Builders, and
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22. one. Classification 15, Painter/Sandblaster had
23. one. Classification 16, Powder Person or Blaster
24. had none. And Classification Number 19, the

1. report.
2. COMMISSIONER PHILLIPS: Very good,
4. MS. CAUDILL: Thank you.
5. COMMISSIONER PHILLIPS: Any questions
6. or comments on any of those?
7. MR. CRABTREE: If you will provide me
8. that list of e-mail addresses that didn't appear to
9. be correct, then I'll resolve -- try to --
10. MS. CAUDILL: Okay.
11. MR. CRABTREE: -- resolve those.
12. COMMISSIONER PHILLIPS: Ann, were you
13. able to hear everything?
14. MS. MCGAURAN: I just had one
15. question about the first thing that she named,
16. before the drill operator.
17. MS. CAUDILL: The bricklayer?
18. MS. MCGAURAN: Yes.
19. MS. CAUDILL: Yes, we only --
20. MS. MCGAURAN: How many?
21. MS. CAUDILL: We did not get any
22. response to that one -- that classification at all.
23. MS. MCGAURAN: Thank you.
24. MS. CAUDILL: You're welcome.
25. COMMISSIONER PHILLIPS: Okay. Okay.
1. So now we’ll handle some new business, which is to
2. review and discuss the data from the prevailing wage
3. survey.
4. MR. CRABTREE: I move that the --
5. excuse me -- revised-revised rates be adopted.
6. COMMISSIONER PHILLIPS: Is there a
7. second?
8. MR. WRIGHT: Second.
9. COMMISSIONER PHILLIPS: How many --
10. MS. CAUDILL: Now, are you talking
11. about the ones that are set up based on the state
12. average? The --
13. MR. CRABTREE: With the correction
14. for Brown Builders.
15. COMMISSIONER PHILLIPS: Right.
16. MS. CAUDILL: Correct.
17. MR. CRABTREE: That that would be
18. adopted as our --
19. MS. CAUDILL: Okay.
20. MR. CRABTREE: -- forward rates.
21. MR. WRIGHT: The ones that have a
22. consistent 4.2-something percent.
23. MS. CAUDILL: That was the state
24. average -- after we corrected Brown Builders, it
25. brought the state average to 4.28 percent. So I ran

1. one sheet just going from our current rate, marking
2. them up a state average, and then the other sheet is
3. how they fall out based on the rules and
4. regulations.
5. MR. WRIGHT: I second that motion.
6. COMMISSIONER PHILLIPS: All in favor?
7. MR. CRABTREE: Aye.
8. MR. WRIGHT: Aye.
9. COMMISSIONER PHILLIPS: All opposed?
10. Ann, you're still here, right?
11. MS. MCGAURAN: I am. I'm in favor.
12. COMMISSIONER PHILLIPS: Okay. Thank
14. to look at preliminary rates for 2018. And I'm
15. asking if there's a motion to approve the
16. preliminary rates?
17. MR. CRABTREE: I move approval.
18. COMMISSIONER PHILLIPS: Okay.
19. MR. WRIGHT: Second.
20. COMMISSIONER PHILLIPS: Second. Any
21. questions? How many in favor?
22. MR. CRABTREE: Aye.
23. MR. WRIGHT: Aye.
24. COMMISSIONER PHILLIPS: How many
25. opposed?

1. phone. I don't know if anybody else is. I had my
2. assistant --
3. COMMISSIONER PHILLIPS: No, just Ann.
4. MR. DEGGES: Ann, I had my assistant
5. e-mail you this write-up, so -- but basically, we
6. have -- I think very similar to what has been in
7. some of the discussion I've seen in the e-mails,
8. that -- we don't believe it's the Department's role
9. to be the authority on this issue, and we would have
10. kind of thought that it would be the Commissioner of
11. Labor and, you know, Workforce Development here.
12. But that being said, we have looked
13. at it, and just, you know, our thought would be --
14. and maybe an Attorney General's opinion is the
15. appropriate final resolution to the issue. But,
16. you know, I try to be pretty plain spoken on
17. stuff. Just looking at what the state law says.
18. You know. The state law basically says that for
19. the prevailing wage rates to apply, it has to be
20. work performed under a state contract, and that it
21. must be for a state highway construction project.
22. So we believe that there are
23. definitions in state law for those terms. And so
24. from our perspective, that is the case. I will
25. note, there are some general services contracts in
1. place right now for -- particularly, for some of  
2. the small-type airport work. Historically, I know  
3. the State of Tennessee actually owns an airport in  
4. Tiptonville. And we have -- I believe we have  
5. paved that airport in years past. And we probably  
6. applied prevailing wage rates there. You know. I  
7. don't know offhand.  
8. But since there's a general services  
9. commodities contract in place right now, I don't  
10. believe that we are paving any airports. So even  
11. though I don't believe it applies to airports,  
12. there is -- if it was a State contract, it  
13. would -- you know, for a TDOT contract, that would  
14. be the only way that we would say that that could  
15. come into play. But I'm not aware of us paving  
16. any airports for quite some time, anyway, since  
17. there's other contracts in place.  
18. So from our perspective, we don't  
19. believe that the prevailing wage rate applies to  
20. those, but we don't profess to be a definitive  
21. authority on the matter.  
22. COMMISSIONER PHILLIPS: Okay. Thank  
23. you, Paul. Gentlemen, you all have any comments?  
24. MR. WRIGHT: My only comment was that  
25. I'm not -- I think the smart people should figure it  

1. out, not me. So --  
2. COMMISSIONER PHILLIPS: Okay.  
3. Wayburn?  
4. MR. WRIGHT: We didn't see where the  
5. Commission had the authority to do it.  
6. COMMISSIONER PHILLIPS: Right.  
7. MR. CRABTREE: I would just add that  
8. for TDOT, this is much bigger than just airports. I  
9. think it applies to all of our locally-managed  
10. projects.  
11. COMMISSIONER PHILLIPS: Right.  
12. MR. CRABTREE: State aid and all of  
13. them.  
15. MR. CRABTREE: And that's partly a  
16. question, but that's kind of how -- that I would  
17. view it.  
18. COMMISSIONER PHILLIPS: Yeah. My  
19. viewpoint is that since I assumed this position with  
20. the Department and beginning of this, you know,  
21. Prevailing Wage Commission, I've always understood  
22. it to be public highways and a state highway  
23. construction project. And that's what it was  
24. limited to. That's my -- always been my impression.  
25. And that's the way I -- that's my point of view at  

1. this point in time. And after discussing it with  
2. Dan and also my chief counsel, I think that's what  
3. it is limited to. Now, to Paul's point, maybe if  
4. somebody wanted a higher opinion, maybe they could  
5. go for that. But I think it's pretty clear that  
6. this applies just to state highway construction  
7. projects. And that's my position at this point.  
8. MS. MCGAURAN: I have a question.  
9. COMMISSIONER PHILLIPS: Yes, ma'am.  
10. MS. MCGAURAN: I wonder -- I agree  
11. with you that I think that all that it applies to is  
12. state highway projects. However, I wonder if other  
13. municipalities referenced are prevailing wages, can  
14. they?  
15. COMMISSIONER PHILLIPS: I'm sorry.  
16. MR. CRABTREE: Well, that was my  
17. point, that whatever is decided here is going to  
18. apply to locally-managed projects, that is  
19. municipalities, counties, cities, and whoever gets  
20. funding from the State through TDOT or the federal  
21. government.  
22. MR. WRIGHT: Again, I'm no attorney  
23. but it would seem that the definition or the part  
24. that would be confusing is, do the people who think  
25. the airport applies -- I don't remember the name of  

1. the town -- is it because they received funding  
2. through TDOT that they think it might apply or is it  
3. some other definition, because it's pretty clear  
4. what a highway construction project is. But, you  
5. know, I think things are clear in law that I  
6. generally am always wrong about. And from the legal  
7. perspective, if the money touches TDOT, does it then  
8. become something that is prevailing wage could  
9. accrue -- to me, that would be the only way it makes  
10. any sense for anyone to even claim that the  
11. prevailing wage should apply. And I --  
12. MR. DEGGES: Well, I think we have to  
13. be clear about that we're going with the state  
14. prevailing wage. I mean, there's federal --  
15. MR. WRIGHT: Yes, sir. I'm sorry.  
16. MR. DEGGES: -- requirements  
17. otherwise. But, you know, I mean, arguably if the  
18. Department of Transportation ordered a grant of  
19. State dollars for somebody to build a sidewalk --  
20. and we've done that in the past.  
21. MR. WRIGHT: Greenwood (phonetic).  
22. MR. DEGGES: Yeah. Our  
23. interpretation of State -- if it was State dollars  
24. and State law, it's not a State contract. The  
25. construction is not a State contract. And you could
1. make an argument that a sidewalk does fit in the
definition of highways, I think. But by not being a
State contract, we don't believe that it would
apply. I think that's what Wayburn's --

2. MR. CRABTREE: Yes, sir.
3. MR. DEGGES: -- point is, is that if
4. it's not a State contract, I think that's the first
test that has to be passed.
5. 
6. Now, most of our grant programs are
7. federal aid. And so the federal aid stuff still
8. applies to those. And my understanding is that
9. some jurisdictions in state do have some type of
requirements for -- I mean, doesn't Memphis do
some -- have some special requirements for what
they put in their contracts?
10. MR. CRABTREE: They have a purchasing
division, which kind of dictates how their contracts
are structured. And I think that's us that requires
the -- telling them they have to use the State wage
rates. Am I wrong, John?
11. MR. REINBOLD: Generally speaking, I
think that's probably right. We've imposed our
specs and -- oh, I'm sorry.
12. MR. DEGGES: This is John Reinbold,
our general counsel.

1. THE REPORTER: I'm sorry, what was
2. that?
3. MR. DEGGES: This is John Reinbold,
4. TDOT general --
5. MR. REINBOLD: Yes. I'm John
6. Reinbold, general counsel at TDOT. I apologize for
7. the informality. In general, in our local programs,
8. the guidelines and so on, we impose our -- the TDOT
9. specifications and provisions and whatnot on the
10. locals when they administer a project that we fund.
11. I don't know specifically about prevailing wage. My
guess is we probably have imposed it in the past,
12. but that is a guess. And I base that in part on
13. having conversations with the aeronautics division,
14. as well. I think they've done the same.
15. It's based probably -- it's sort of a
16. legacy understanding of how the Prevailing Wage
Act worked, because it was so much broader in the
past. But again, that's somewhat speculation on
my part.
17. COMMISSIONER PHILLIPS: You know,
18. we -- the Department -- we've gotten ourselves in
trouble by trying to interpret the law, have we not,
19. Kim?
20. MS. JEFFERSON: Yes, we have.

1. COMMISSIONER PHILLIPS: So we're not
2. inclined to do that. And from our perspective, my
3. perspective, the public highway is very clearly
4. defined, a State contract is very clearly defined,
5. and a state highway construction project is very
6. clearly defined in the statute. And I don't think
7. we have the authority to try to interpret what the
8. law says. It says what it says.
9. And so my position would be that it
10. shouldn't apply other than purely to what falls
11. within the definition of the current existing
12. statute, which is consistent with what Paul said,
13. I think.
15. MR. WRIGHT: I concur, sir.
16. MS. MCGAURAN: One other -- if -- I
don't know that they're not required -- but is there
anything that they're not allowed to use this as a
standard in the project?
17. COMMISSIONER PHILLIPS: I'm sorry.
18. Can you say that -- ask that again? You were
19. breaking up a little -- or at least, for me, you
20. broke up.
21. MS. MCGAURAN: Okay. There's a
22. question about required versus desire. If they
choose to use this standard, do we say they can't?
23. MR. CRABTREE: I think it depends on
24. whether the Department of Labor wants to enforce it
25. or not.
26. COMMISSIONER PHILLIPS: I think that
27. would fall on us, would it not, Dan?
28. MR. CRABTREE: So if --
29. MR. BAILEY: Is her question that if
30. they choose to follow the Prevailing Wage Act, would
31. we say they couldn't?
32. COMMISSIONER PHILLIPS: Yeah. That's
33. what she's asking, I think.
34. MR. BAILEY: I mean, I don't think we
35. would. I mean, we -- if it's something we don't
36. have authority over anyway --
37. COMMISSIONER PHILLIPS: And we
38. wouldn't -- right.
39. MR. BAILEY: -- we wouldn't -- that
40. would be up to them.
41. COMMISSIONER PHILLIPS: Right.
42. MR. DEGGES: So that's -- from our
43. perspective, I guess -- just thinking out loud here,
44. that, you know, we have a contract with local
45. agencies and they're -- we require -- most of the
46. stuff we require has its roots in the federal aid
1. program. But we also include stuff that's, you
2. know, how we want to have consistency across the
3. state. And I suspect our contracts right now do
4. include the language, because the Prevailing Wage
5. and the Federal Wage stuff is somewhat
6. intermixed in our specifications. So we probably,
7. by contract, are requiring that in TDOT contracts
8. with local agencies.
9. I really can't speak to the
10. aeronautics, in particular. That's -- I'm just
11. not as familiar with that. But for most of the,
12. what I call, projects within the public highway
13. right-of-way, whether it's a state public
14. right-of-way or a local agency public
15. right-of-way, our contracts with them probably
16. include that language, would be my guess. And so
17. while not by law but by contract, the local agency
18. is putting that requirement on contractors.

19. MR. WRIGHT: My memory of aeronautics
20. contract predates the change in the law, so I don't
21. know whether it would be applicable today, but I'm
22. pretty sure the prevailing wage was in the last
23. aeronautics work we did as a company.
24. THE REPORTER: I'm sorry, could
25. you --

1. road, right, that they crossed. And so they came
2. back and tightened up the definition of a public
3. highway State contract and the state highway
4. construction projects so that that -- the prevailing
5. wage would not apply when they upgraded those park
6. things even if they crossed the road, because that
7. was not what the project was about. And so that's
8. what precipitated the change to tighten up the
9. definitions.

10. COMMISSIONER PHILLIPS: Yeah. And I
11. think that that is what -- if you look at state
12. highway construction project, the definition, it
13. says, building, rebuilding, locating, relocating, or
14. repairing, that action is what takes out any
15. interpretation of what would fall within those
16. terms. Again, that's just my perspective. So I
17. would think that they do not apply. State
18. prevailing wage rates.

19. MR. WRIGHT: So if a local entity was
20. to include the Tennessee -- this prevailing wage
21. rate in their contract for a road project, city of
22. whatever, and they did so without your concurrence
23. or with our concurrence, would -- it still -- they
24. could probably require that, but it wouldn't be
25. enforceable, would --

1. MR. WRIGHT: I said, I'm pretty sure
2. the last work we did as a company had included a
3. prevailing wage, but that was prior to the most
4. recent legislative changes. So it's really
5. irrelevant to the discussion.

6. MR. STARWALT: Can I --
7. COMMISSIONER PHILLIPS: Certainly.
8. MR. STARWALT: Kent Starwalt,
9. Tennessee Road Builders. Just to back up a little
10. bit about some of the legislative history that I can
11. remember to the best of my ability. So in 2013 is
12. when the change was made to eliminate the building
13. side from the Prevailing Wage Act, and it was still
14. applied to the highway side. And then they came
15. back in 2015 and clarified the definitions in the
16. statute primarily because of -- and the example that
17. was used was there was a project in a state park
18. where they were putting in, whether it was
19. electrical or sewer, into -- or upgrading into
20. campsites. They crossed a road --
21. COMMISSIONER PHILLIPS: Right.
22. MR. STARWALT: -- and when they
23. crossed that road or put a cut in that road, the
24. determination was made at that point that it was --
25. now prevailing wage applied because it was a state
1. staff, would it be good to put together guidelines
2. so that they can answer these questions, because in
3. one of the e-mails -- I think it was with you, Jan,
4. you said most of the inquiries you get are about,
5. does this apply or doesn't it apply or something. I
6. thought --
7. MS. CAUDILL: The last --
8. MR. WRIGHT: That's when I got the --
9. I think something needs to be clarified.
10. MS. CAUDILL: For the last 20 wage
11. determination requests that I got, 19 of them were
12. from the aeronautic division. So that's my
13. question, if -- you know, how do I answer that or is
14. there something I need to ask them to clarify
15. whether or not we are going to have any jurisdiction
16. as far as prevailing wage? Or do I just tell them
17. that we, you know, no longer have that and there's
18. no need to request a wage determination number?
19. COMMISSIONER PHILLIPS: Based on the
20. statute, the definition within the statute, we feel
21. it doesn't apply.
22. MS. CAUDILL: Okay.
23. COMMISSIONER PHILLIPS: Unless you
24. all object.
25. MR. WRIGHT: I don't think it's my

1. place to comment, really.
2. COMMISSIONER PHILLIPS: You know.
3. Because all we go by is what's here.
5. COMMISSIONER PHILLIPS: And that --
6. well, I think it's clear that it doesn't. And
7. again, we don't like to -- we don't like to assume
8. the role of interpreting the law. That's not our
9. role. We just implement what the law says. And
10. over the last four years or so, we've gotten
11. ourselves in trouble by interpreting the law, so we
12. don't do that.
13. MS. CAUDILL: Okay.
14. MS. MCGAURAN: And to that point, I
15. think it'd be important to say that they are held
16. responsible to their contract.
17. COMMISSIONER PHILLIPS: Okay. Sorry,
18. Ann. You're going to have to say that again,
19. because we lost you.
20. MS. MCGAURAN: Okay. I think it's
21. important, though, that we might say that the
22. prevailing wage does not apply, from our point of
23. view, but they have to look at their contract to see
24. what they're responsible for providing.
25. COMMISSIONER PHILLIPS: Yeah. That

1. goes back to two parties entering a contract. They
2. can enter in a contract of anything that they want.
3. So yes.
4. MS. CAUDILL: Okay.
5. COMMISSIONER PHILLIPS: Everybody in
6. agreement with that?
7. MR. WRIGHT: I am, sir.
8. COMMISSIONER PHILLIPS: Okay. All
9. right. So no other comments, observations? Okay.
10. And you're going to draft a response?
11. MS. CAUDILL: I'm sorry?
12. COMMISSIONER PHILLIPS: You're going
13. to draft a response of what -- that we can provide
14. to people who inquire?
15. MS. CAUDILL: Yes.
17. Next would be the third meeting, which will be
18. November 30th at 1:30 in the Tennessee Room.
19. MS. CAUDILL: Yes.
20. COMMISSIONER PHILLIPS: Okay. Does
21. that fit everybody's schedule?
22. MR. WRIGHT: That's not a change, is
23. it? Is that where it's been?
24. MS. CAUDILL: It had been in the
25. P.E.A.R.L. Room, but someone else required it and I

1. had to move it to the Tennessee Room, but the date
2. and time's the same.
3. COMMISSIONER PHILLIPS: The date's
4. the same.
5. MS. MCGAURAN: I may be unable to
6. attend.
7. COMMISSIONER PHILLIPS: Okay. All
8. right. Thank you, Ann.
9. MR. WRIGHT: Good for me.
10. COMMISSIONER PHILLIPS: Me as well.
11. MR. CRABTREE: And me.
12. COMMISSIONER PHILLIPS: Wayburn?
13. Okay. All right. And then lastly, potential dates
14. for the 2018 Prevailing Wage Commission meetings
15. will be discussed at the next meeting --
16. MS. CAUDILL: Yes.
17. COMMISSIONER PHILLIPS: -- on
19. MS. CAUDILL: That's all.
20. COMMISSIONER PHILLIPS: Okay. So all
21. we --
22. MS. JEFFERSON: Commissioner, I have
23. one thing. We were informed right before the
24. meeting started that this month's meeting minutes
25. will not be available until November the 29th.
1. COMMISSIONER PHILLIPS: Okay.
2. MS. JEFFERSON: So I want to let you all know that. Generally, you have access to review the minutes on the website, but because of some things that are going on, the court reporter and the demand for court reporters, they won't have those ready until the 29th. Hopefully, we can get those --
3. COMMISSIONER PHILLIPS: When on the 29th? 8:00 o'clock in the morning or 5:00 o'clock in the afternoon?
4. THE REPORTER: Actually, after the 29th.
5. MS. JEFFERSON: So it will be after the 29th.
6. THE REPORTER: Yes.
7. MS. JEFFERSON: Which means that we won't have those for the next meeting.
8. COMMISSIONER PHILLIPS: Okay.
9. MS. JEFFERSON: So we'll try to summarize -- because of that, we'll try to summarize --
10. COMMISSIONER PHILLIPS: Because that's problematic.
11. MS. JEFFERSON: -- what happened at today's meeting --
12. COMMISSIONER PHILLIPS: Yeah.
13. MS. JEFFERSON: -- and Jan and Carolyn will do that and we'll get you all something prior to the next meeting.
15. Is that okay with you guys --
16. MR. WRIGHT: Absolutely.
18. Okay. Motion to adjourn.
19. MR. WRIGHT: So moved.
20. MR. CRABTREE: Second.
21. COMMISSIONER PHILLIPS: Okay. How many in favor?
22. MR. CRABTREE: Aye.
23. MR. WRIGHT: Aye.
24. COMMISSIONER PHILLIPS: Aye.
26. COMMISSIONER PHILLIPS: Motion carries.
27. END OF PROCEEDINGS.
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