STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PREVAILING WAGE COMMISSION MEETING

August 19, 2015

CASSANDRA M. BEILING, CCR, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.221.1089
APPEARANCES:

Commissioner Burns Phillips, Chairman
Commissioner Wayburn Crabtree, TDOT Designee
Commissioner Stephen Wright
Wright Brothers Construction Company, Inc.
Commissioner R. T. Summers
Summers-Taylor, Inc.
Dan Bailey, Legal Counsel
Kim Y. Jefferson, Administrator
Mark Finks, Assistant Administrator
Christina Tugman, Assistant
Mary Ledbetter, Assistant Board Secretary
AGENDA

I. Call to Order and Roll Call
   *Announcements

II. Conflict of Interest Forms

III. Old Business
   * Review and approve December 1, 2014 Prevailing Wage Commission Meeting Minutes

IV. New Business
   * Review and Discuss Preliminary 2015 Streets, Highway, and Bridges Survey Mailing List
   * Discuss and Approve the 2015 Streets, Highways, and Bridges Survey
   * Discuss and Approve Schedule for 2015 Prevailing Wage Survey
      a. Survey notices to be mailed September 28, 2015
      b. Deadline for receipt of Survey Responses, 3rd State working day past October 31, 2015 (Nov. 4, 2015)
      c. Proposed date to review data and set Preliminary Rates-Nov. 17th (Tues.), Nov. 19th (Thu.), or Nov. 20th (Fri.), 2015
      d. Proposed date for Final Meeting and to Establish Final Rates-Nov. 30th (Mon.), Dec. 1st (Tue.), 2015
      e. Deadline for Setting Final Rates-December 1, 2015

V. Additional Business

VI. Adjourn
CHAIRMAN PHILLIPS: The first thing is we need to have a roll call.

MS. TUGMAN: I'm Christina Tugman with Labor Standards.

MS. LEDEBETTER: Mary Ledbetter with Labor Standards.

MS. JEFFERSON: Kim Jefferson, Administrator.

MR. FINKS: Mark Finks, Assistant Administrator.

MR. CRABTREE: Wayburn Crabtree. I represent the Commission of Transportation.

MR. WRIGHT: Steve Wright, Wright Brothers Construction Company.

CHAIRMAN PHILLIPS: Burns Phillips, Commissioner.


CHAIRMAN PHILLIPS: All right. Christina, do we need to take a roll call or does that suffice?

MS. TUGMAN: That will suffice.

I'm sorry, will Mr. Bailey please state his name for the record as well.
MR. BAILEY: Dan Bailey, legal counsel.

MS. TUGMAN: We can go through the list. I mean, we have to do the announcements.

CHAIRMAN PHILLIPS: Okay. So we have a quorum.

So I need to read this announcement.

In the event of an emergency or a natural disaster, security and/or staff will take meeting attendees to a safe place in the building or direct them to exit the building at the Rosa Parks side.

Christina has been promoted to Labor Standards Inspector. Mary Ledbetter will serve as secretary for the Prevailing Wage Commission. The Labor Standards staff consists of a supervisor, five administrative support personnel and nine inspectors. Currently the assistant administrator oversees the Labor Standards Unit.

Commission member training is August 26, 2015, at 10:00 a.m. here in the Pearl Room. That's all -- that's not just this.

That's --

MS. JEFFERSON: Right. It includes all of the workplace regulations that Compliance
Division affords.

CHAIRMAN PHILLIPS: Right. Which is something that's relatively new, so I certainly hope that you will be able to attend that.

Conflict of interest forms, everybody's done those?

MS. TUGMAN: Mr. Wright, there was one page that has not been signed, and I need for you to sign that, that right there.

And, again, we're still waiting for Mr. Heimbach, and he has to sign one page on his disclosure form as well. But everybody else has filled theirs out.

MR. WRIGHT: Christina, do I just leave all this blank?

MS. TUGMAN: You can just put "none."

MR. SUMMERS: Christina, does this mean that you're not going to be here after today?

MS. TUGMAN: I'm going to be here for the next two meetings, and then next year she's flying solo.

MR. SUMMERS: Okay. So you're just going to initiate Mary this year.

MS. TUGMAN: Yes.
MR. SUMMERS: Okay. Good.

CHAIRMAN PHILLIPS: So I assume that none of us have any conflict of interest?

MR. WRIGHT: No, sir.

MR. CRABTREE: No, sir.

CHAIRMAN PHILLIPS: Okay. So the first order is old business, I guess, right, Christina?

MS. TUGMAN: Yes, sir. I sent everyone a copy of the December 1st, 2014 meeting minutes, and if nobody has any changes or anything like that, then, of course, you can approve them.

MR. SUMMERS: I move to approve.

MR. WRIGHT: Second.

CHAIRMAN PHILLIPS: And we need to vote on that. Everybody approves?

(Affirmative response.)

CHAIRMAN PHILLIPS: Okay. New business. We need to review and discuss "Preliminary 2015 Streets, Highways and Bridges Survey Mailing List." And is there a motion to approve the mailing list?

MS. TUGMAN: I'm sorry. I wanted to just let the commission know, last year we -- some of the companies that we sent to, some of
them came back nondeliverable. So on this list, there's been changes of -- we took out the companies that came back to us for nondelivery. We took those out. There's about six of them.

Also, there were a few that had added a p.o. box, and so we added that to the list as well. We had an additional address added to that. So those were the changes that we made, but I just wanted to make the commission aware of that.

CHAIRMAN PHILLIPS: How many were we sending out? Last year we sent out 900 and got about 750 back, correct?

MS. TUGMAN: Yes, sir.

CHAIRMAN PHILLIPS: Okay. And is that about the same this year that we're sending out?

MS. TUGMAN: Yes, sir.

CHAIRMAN PHILLIPS: Okay. All right.

MR. CRABTREE: Would you get me a list of those whose came back and I'll look into it and see.

MS. TUGMAN: Yes, sir.

MR. CRABTREE: If we've got a bad
address in our prequal list, then we need to know it, too.

MS. TUGMAN: Okay. No problem.

CHAIRMAN PHILLIPS: Okay. So we need a motion to approve.

MR. WRIGHT: I would move to approve the list.

MR. CRABTREE: Second.

CHAIRMAN PHILLIPS: Is everybody in favor?

(Affirmative response.)

CHAIRMAN PHILLIPS: All right. Next we need to discuss and approve the "Schedule for 2015 Prevailing Wage Survey."

And the notices go out September 28th, Christina?

MS. TUGMAN: Yes, sir.

CHAIRMAN PHILLIPS: Okay. And the deadline for response is November the 4th.

MS. TUGMAN: Yes. We can receive the surveys up to November the 4th if they're postmarked by October 31st.

CHAIRMAN PHILLIPS: And I'm assuming everybody has seen the calendar?

MS. TUGMAN: I provided calendars
for everyone, and you can see what the schedule is
and, also, when accepting the surveys, that
they're postmarked, compiling data and so forth
and notebook deliveries, meetings.

CHAIRMAN PHILLIPS: And we need to
establish the dates to review the preliminary
data, do we not?

MS. TUGMAN: Yes, sir. The dates
that we have are the November 17th, 19th, and
20th. Those are the only three days that we have
that we can look at the data and so forth and set
preliminary rates. And then November 30th and
December 1st are the two days that we have to set
the final rates.

I know that it's very compact. It
just seems to get that way almost every single
year. It would be nice if we could possibly even
have the first meeting earlier, if we could. But,
I mean, in November, just with the holidays and
everybody's schedules and accepting surveys and so
forth, the days seem to get fewer and fewer,
unfortunately.

But the three days for the second
meeting, 17th, 19th, and 20th of November, are for
the second meeting. And the third and final
meeting, we have November 30th and December 1st.

MR. SUMMERS: If we could do the 19th, it would be wonderful for me.

CHAIRMAN PHILLIPS: Mr. Crabtree?

MR. CRABTREE: That's fine for me, yes, sir.

CHAIRMAN PHILLIPS: Okay.

MR. WRIGHT: They're all bad for me, but the 19th would be probably as good as any of them.

CHAIRMAN PHILLIPS: All right.

What about the date for the final meeting?

MR. SUMMERS: I would be fine on the afternoon of the 30th, or any time on the 1st. 9:30 would be problematical for me on the 30th.

CHAIRMAN PHILLIPS: I'm sorry, I need to check something here.

MR. WRIGHT: I'm good both days, currently. I would rather do it on the 1st than the 30th because we have staff meetings on Monday mornings. It makes travel more difficult.

CHAIRMAN PHILLIPS: December 1st? Does that work for everybody else?

MR. SUMMERS: That would be great. That would be wonderful.
CHAIRMAN PHILLIPS: Works for me, too.

MR. CRABTREE: I'm good either day.

If I don't come, somebody will.

CHAIRMAN PHILLIPS: So the 19th for reviewing the preliminary rates and the 1st to establish the final rates.

MS. TUGMAN: Wonderful.

CHAIRMAN PHILLIPS: So motion to approve the schedule?

MR. SUMMERS: So moved.

MR. CRABTREE: Second.

CHAIRMAN PHILLIPS: All in favor?

(Affirmative response.)

CHAIRMAN PHILLIPS: Okay.

MR. SUMMERS: The problem is this thing is always the same time. I mean, it's always either the 30th or the 1st of November --

CHAIRMAN PHILLIPS: Right.

MR. SUMMERS: -- and sometimes the week before Thanksgiving. It's always just the way it works.

MR. WRIGHT: And you only have a couple weeks to do it.

MR. SUMMERS: Yes. And we need
just to have a couple of weeks to get the data.

    CHAIRMAN PHILLIPS: Right.

    MR. SUMMERS: And we have to get
the books a little bit ahead to see if we see any
issues.

    CHAIRMAN PHILLIPS: Yeah. But it's
impressive on how many we do get back, really,
percentage-wise on those that are sent out, so ...

    So that motion carries.

    Additional business?

    MS. TUGMAN: I do have something
that I want to speak to the commission about.
Last year, a Mr. Pendergraft came --

    CHAIRMAN PHILLIPS: Right.

    MS. TUGMAN: -- and he wanted to
change one of the classifications and how they
were paying, and move it to a different
classification. I've been trying to get in
contact with him. We've talked a little bit, but
I would like the commission to give an official
answer. Maybe we can type up a letter and send it
to him, give an official answer on what your
decision was about that.

    It was the November 17th meeting that
he came and did his presentation and what-have-
you. And if the commission could give some input or what-have-you on what we should put in the letter and then have you approve it, and then we send it to him to make it official. Because I believe that it was tabled.

MS. JEFFERSON: Okay. The issue -- Mark was actually describing the issue.

MR. FINKS: Yes. The issue is, I believe, whether one of the classifications for an electrician should be used instead of -- I forget what the other --

MR. WRIGHT: Pipefitter.

CHAIRMAN PHILLIPS: Yeah, I think it was pipefitter.

MR. FINKS: I think that's right. I think that's right. Yes.

MS. JEFFERSON: And so, in other words, he wants something official. And the staff, of course, can provide that. We can try and draft a letter on your behalf.

CHAIRMAN PHILLIPS: Yes. I would suggest you draft a letter and let each of us see it, and then we can have input.

MR. SUMMERS: I don't think there was anybody on the commission that saw any reason
to change our current practice --

    CHAIRMAN PHILLIPS: That's correct.

    MR. SUMMERS: -- which he was wanting us to do.

    MS. JEFFERSON: Yes.

    MR. SUMMERS: So I guess the letter would say that we're going to continue our current ... 

    MS. JEFFERSON: Okay.

    CHAIRMAN PHILLIPS: So why don't you draw something up and just let each of us see it, short and sweet, about, you know -- because nobody was in agreement with changing anything.

    MR. CRABTREE: I don't disagree, but it seems like from the literature I read there was some kind of conflict in what the federal guidelines said and what some other guidelines said. Does that need to be clarified?

    MR. SUMMERS: Was he -- now, I've slept since then, so ... 

    MR. CRABTREE: Or maybe it's just a classification. I don't know.

    MR. WRIGHT: I think it's an extension --

    MR. SUMMERS: I may be wrong but I
think he was trying to go back to a federal job
classification, whereas we have our own job
classification.

CHAIRMAN PHILLIPS: Right.

MR. SUMMERS: He was trying to --

MR. CRABTREE: That's right.

MR. SUMMERS: -- impose a federal
job classification on us.

CHAIRMAN PHILLIPS: And that
doesn't control.

MR. SUMMERS: Yeah. Am I right,
Dan, on that?

MS. JEFFERSON: And we'll take a
look at the meeting minutes.

MR. WRIGHT: The only thing I
remember is I was against it.

MR. CRABTREE: Yeah, I recall the
same thing. But in his argument there, in his
letter there, he cited some federal guidelines or
something. So those don't apply, so it's a
nonissue.

CHAIRMAN PHILLIPS: Yes. And it
was a bit of a stretch, I think, to try to ...
that sooner than later?

MS. JEFFERSON: Yes. I'll get that
drafted for you.

CHAIRMAN PHILLIPS: All right.

MR. SUMMERS: Christina, this other
list of -- I guess these are labor unions and
different people that you send notice to?

MS. TUGMAN: Yes, sir. We send
this every year to these unions, and there's also
a copy of the letter in here that we send to them
that you should have. And it just tells them that
if anybody -- if they know anybody who wants to
participate in the survey, to get in contact with
us.

CHAIRMAN PHILLIPS: Okay.

MS. TUGMAN: Yeah, we send this
every single year. I didn't send this to you in
an email so I wanted you to have a copy of that so
you can see what that letter and what that list
looked like.

CHAIRMAN PHILLIPS: And what kind
of response did we get?

MS. TUGMAN: Well, they send these
out to anybody who might not be on the main list.

CHAIRMAN PHILLIPS: Right.
MS. TUGMAN: And they'll give us a call to say, "Okay, well, we want to participate in the survey." So, I mean, sometimes we don't get responses, maybe, out of all of these. And maybe -- maybe ten companies that they might submit to will contact us. There's not very many, but, I mean, when we originally sent this, it was also for building. It's when we were doing building.

CHAIRMAN PHILLIPS: Right.

MS. TUGMAN: So we got more responses.

CHAIRMAN PHILLIPS: Okay. All right. Very good.

MR. SUMMERS: You know, most of these people, being asbestos workers, they really don't have much to do on any of the highway work, people like that.


Any other business?

(No verbal response.)

CHAIRMAN PHILLIPS: Motion to adjourn?

MR. CRABTREE: So moved.
MR. SUMMERS: Second.

CHAIRMAN PHILLIPS: All in favor?

(Affirmative response.)

END OF THE PROCEEDINGS.
CERTIFICATE

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 19th day of August, 2015.

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 8th day of September, 2015.

___________________________________
Cassandra M. Beiling, CCR, LCR# 371
Notary Public State at Large
My commission expires:  3/12/2016