Prevailing Wage Commission Meeting

DEPOSITION OF MEETING

Taken November 10, 2021
AGENDA

I. Call to Order and Roll Call
   • Chairman McCord: We're going to call
   • the meeting to order of the Prevailing Wage
   • Commission. Start with the roll call. Paul Degges.
   • Mr. Degges: Here.
   • Chairman McCord: Ann McGauran.
   • Ms. McGauran: Here.
   • Chairman McCord: Scott Thompson.
   • Mr. Thompson: Here.
   • Chairman McCord: Stephen Wright.
   • Mr. Wright: Here.
   • Chairman McCord: Thank you very much.
   • We'll move on to announcements. And
   • before we make the announcements about where to meet
   • in case of an emergency or who to see, I would like to
   • take a moment to introduce somebody that you may not
   • know, our Deputy Commissioner Dewayne Scott. Dewayne
   • has responsibility for a variety of departments,
   • including Workplace Regulations & Compliance.
   • Dewayne, would you just introduce
   • yourself and talk a little bit about your background
   • for us.
   • Mr. Scott: Good afternoon everyone. I
   • know several here, Paul and those guys, TDOT. I spent
   • 18 years with a company I cofounded and was COO of SRS
   • and a lot of construction work, about seven years
   • doing TDOT work here, and the rest of it is on federal
   • contract work all over the country.
   • Sold that company in 2019 and started
   • doing some consulting, and I have been here since
   • March with the Department of Labor in this capacity.
   • And I'm excited about it. I hope to able to bring a
   • lot of those skills to the table and help bring value
   • to the department.
   • Chairman McCord: Thank you, Dewayne.
   • Absolutely, we're glad to have him in from a variety
   • of backgrounds and perspectives. It's been really,
   • really good.
   • Okay. In the event of an emergency,
   • we'll -- security staff will help us, but if you can't
   • find a security staff, we'll all follow Tom. And
   • we'll exit, and we'll go out -- we'll go that way,
   • through the cafeteria and outside in case of an
   • emergency, which hopefully we won't have to have.
   • Let me stop here and see if anyone else
   • has announcements.
   • Okay. My next item is conflict of
   • interest declaration. I know we should have all
   • completed forms. And if you haven't completed that
   • paperwork, see Jan, and we'll get those on file.
I do need to let you know that when you make a motion, I have to, each time, ask if you have a conflict of interest, and so I'll be doing that. And so we'll do a motion, conflict of interest right after that so we can follow the appropriate protocol -- department statutory protocol driven. So anyway, that's a little awkward, but we're going to power through.

The next item is adoption of the agenda. The agenda was sent out several days ago, if not weeks ago; so I'm looking for a motion to adopt the agenda.

MR. DEGGES: Motion.

CHAIRMAN MCCORD: Paul. We've got a motion. Do we have a second -- oh, I'm sorry. Do you have a comment --

MR. HERROD: I do not.

CHAIRMAN MCCORD: Okay.

MR. THOMPSON: Second.

CHAIRMAN MCCORD: Conflict?

MR. HERROD: No, sir.

CHAIRMAN MCCORD: Okay. Very good. So any discussion?

Seeing and hearing no discussion, all those in favor say aye.

COLLECTIVE: Aye.

CHAIRMAN MCCORD: All those opposed?

Motioned carries.

We move on to the meeting minutes from November 18, 2020. We need -- again, those were sent in advance. We need a motion to adopt or accept the minutes.

MS. MCGAURAN: I also move. No conflicts.

CHAIRMAN MCCORD: Thank you. That was very smooth.

MR. WRIGHT: And I would offer a conflict with --

CHAIRMAN MCCORD: We got -- we have a first and a second. Any discussion?

Hearing no discussion, all those in favor say aye.

COLLECTIVE: Aye.

CHAIRMAN MCCORD: All those opposed?

Okay. Thank you very much for that.

So we'll move on to new business. And for that I'll turn it over to Tom.

MR. HERROD: Thank you. This will be my third time in presiding over the -- or helping with the prevailing wage rate. And we have tried to streamline it and get it more accurate.

So you have received a spreadsheet.

We'll be working off a spreadsheet. Appreciate TDOT's help in getting the projects to us so that we can send those out electronically through the contractors.

We'll go down the list of these crafts one by one. Now, there are actually three different, I guess, categories. We have two crafts that had zero response. We had 4 that had between 1 and 3 responses. And then we had the remaining ones, 20 had over 5 or over.

Based on those types of inputs or data or responses, you have options. And I have shown this on the spreadsheet to the left center. If you have -- and we have to stay within the min and max of the survey rate or the current prevailing wage rate.

As we take the proposal, we have a suggested number that I'll tell you about and then the proposal that will be your number that you put there, and then it will be validated whether or not it is within the allowable limits.

Does anybody have any questions?

MR. THOMPSON: I actually have several. I kind of -- I only came on here, I like to call it, almost in the COVID era there.

So some things I'm a little bit confused about was what projects can be applied towards this?

Is it TDOT only projects? Is it state, federal funded projects? How is this -- and because, I mean, I got really confused. Because when I was reading it, I interpreted it as it could be any projects that were highway that had state or federal dollars.

MR. HERROD: Exactly.

MR. THOMPSON: So it doesn't have to be TDOT. It can be a municipality.

MR. HERROD: They have to be able to prove it has state or federal funded money.

MR. DEGGES: So the department interprets -- here, Rule 800-3-2-.01(2) states, I quote, Prevailing -- "Tennessee Prevailing Wage Rates apply to any highway contractor entering into a state contract for the performance of work on state highway construction projects."

So this has been a perennial debate in this area here. Because it also says in 800-03-2-.01(2) states, that no con- -- quoting, No contract shall be let by any state agency or any municipality, county, or other subdivision for a state highway construction project not in compliance with prevailing wage rates.

So, you know, on one hand it speaks to a contract between a contractor and the state and a --
but elsewhere it mentions that if you have a contract with a local government. Well, a contract with a local government with state money is not a state contract.

And so -- however, for purposes of the data, when you guys reached out to TDOT, we mined our construction letting system that Mr. Egan is over, and it only includes TDOT contracts. So as a practical matter, the data we supplied, because that’s the data we have, would just say contracts. And so I’ve thoroughly confused you, I suspect. But we foresee an inconsistency.

Again, it’s a perceived inconsistency in the rules. And this issue has come up several times over the years. And, you know, it would lower the prevailing wage, you know, maybe --

MR. HERROD: If I can -- I’m sorry to interrupt you.

MR. DEGGES: No. No.

MR. HERROD: We had three responses that were --

MS. CAUDILL: (Overtalking.)

MR. HERROD: -- local projects managed that, verifying it was federal dollars that went into it. So 3 out of 2,000 of the responses were like that. And so -- and we sent them to all the construction companies. So some of those construction companies, obviously, had some local projects. They did not submit them because there were not any such state or federal dollars, only -- other than those three. Now, you know, it’s been an ongoing issue.

CHAIRMAN MCCORD: Dan, do you want to comment?

MR. BAILEY: Well, I mean, yeah. We’ve been over this several times. We basically have a disagreement. I know TDOT interprets it, of course, that it applies only to state contracts. We interpret it that it applies to any contract road project involving state or federal funding. And so it’s -- you know, we’re the department that’s been charged with enforcing it, and so that’s the interpretation we had made.

MR. THOMPSON: Well, the reason I ask is because we -- we’re trying to get people to get engaged and fill them out and all that. It was -- only a TDOT project or not. And that’s where it gets -- that’s where your problem starts. Is it just like people say. Well, if it’s not a DOT project -- a TDOT project.

MR. DEGGES: Well, from our perspective, in our contracts with local government, from our perspective, it’s an unenforceable contract because TDOT doesn’t enforce it, so . . .

MR. THOMPSON: But from data gathering --

MR. DEGGES: But it’s only 3 out of 2,000, so maybe it’s not --

CHAIRMAN MCCORD: But I think your thought would be you would have 2,500.

MR. THOMPSON: I think you might have a lot more. Possibly. Maybe not. I don’t know.

MR. HERROD: Well, we sent out 1,600 surveys. We got 600 back. So they had -- and they had the option of either putting in the TDOT contract number or a different contract number. And we only had 3 that did that.

MR. WRIGHT: The 1,600, was that individual firms, or was that surveys -- so there was -- many firms got more than one --

MS. CAUDILL: Right.

MR. WRIGHT: -- survey; right?

MR. HERROD: That’s right.

MR. WRIGHT: And this is all new. This is the first year we sent out through computer-driven --

MS. CAUDILL: Like this, yes.

MR. WRIGHT: So, you know, I know in times past we’ve always wanted to be as inconclusive as possible. Because the sampling, you know -- which, by the way, I haven’t seen any data. Where is -- did I get it and just didn’t look at it, the backup data for this?

MR. THOMPSON: Yeah, that was my other question.

MR. HERROD: We can supply that to you.

MR. WRIGHT: I mean, we used to have them through meetings. And to come to this meeting with one sheet of paper and no backup data, it kind of puts the commissioners in a tough spot. And I’ll just leave it at that. We really need the backup data, and we need an opportunity to review it more than right now.

Are we -- I know that’s yours, do you want -- are we supposed to have three --

MR. THOMPSON: We used --

MR. HERROD: By law, we don’t have to have three, but we do have to have a meeting. The idea was we had a meeting to plan a meeting, and then the second meeting was to talk about the third meeting, so . . .
first one has always been kind of useless to me. But
the second one was where we actually reviewed the
data, talked about it, went over it.
Now, I -- granted, the technology changes
some things, when you can dump it in a spreadsheet and
sort it automatically and do things now. And I think
that history goes back to when it was tabulated
manually. But I know more than once over the years --
when we got that big notebook, you would look through
to find stuff that didn't belong
in there.

MR. HERROD: Did you send out the PDFs
that had all the data on it?

MS. CAUDILL: Huh-uh.

MR. HERROD: Okay. Well --

MR. WRIGHT: I would, you know,
respectfully request in the future we get it so we can
review it in time to, you know, have some kind of
comfort level that the data is appropriate, all those
kinds of things.

But, you know, when you go back to
everything trying to -- you know, all the efforts to
include more, is to get a broader spectrum of -- you
know, or a broader inclusion of data. And now that
TDOT has the ability to furnish you all of that --

I assume you send certified payroll records, don't
you? Is that what you --

MR. HERROD: No. No. No.

MR. WRIGHT: So you don't provide the
data, just the number of contracts?

MR. DEGGES: Well, we provided you guys
with a list of --

MR. HERROD: Current projects.

MR. DEGGES: -- current --

MS. CAUDILL: Actual projects --

MR. WRIGHT: -- (overtalking) payroll,

there wouldn't be --

MR. DEGGES: Current -- current
contractors and subcontractors is what we were able to
dump out.

MS. CAUDILL: And overall, there was 286
individual subcontractors or contractors that these
went out to, and only a hundred responded.

MR. THOMPSON: And that's good
information.

MR. WRIGHT: Yeah. And that's what I'm
saying, the way the data is being presented and
working forward, that Jan does such a good job with, I
think the sampling rate should increase if we can
teach people how to do it.

And I'm not volunteering Kent's help, but
I would like to make the suggestion that if we could
get -- this is how you go do it through it. You know,
because these -- you know, like you and I talked,
Mandy didn't even know she had it. And you already
had it back --

MS. CAUDILL: And it was already done.

MR. WRIGHT: -- so, you know, that's
weird. But then if we were to have a -- this
department come to one of the Kent's meetings where
you have 350 contractors there and half of TDOT -- or
a lot of TDOT people -- all the important people at
TDOT. But anyway, you could present, How do we go
through this and do this.

And then those of us who don't even know
when it comes out because we're not on the mailing
list, you know, because it really needs to go to
people -- we can prepare our people what to be looking
for and how to do it should -- when it gets there.

And I suspect we could have an ever-increasing return
rate if we school them up just a little bit.

MS. CAUDILL: And then one another
question that I get asked a lot is, Is this required
by law? And I'm like, Nope. Do I have to do this?

CHAIRMAN MCCORD: So let's -- I'm going
to summarize here real quick. So we have a point of
contention on how many people are going to be included
and since we're the department in charge and we
interpret it wider and screen it to market it as
wider. So we have a process issue there.

And then if we need to continue a
conversation about interpretation later. Because what
you read is conflicting within the rules -- I mean, it
just is already. So I can see why either could have
that interpretation, but --

MR. DEGGES: Just for what we -- we don't
care either way.

CHAIRMAN MCCORD: No. I know there's no
bad blood or anything. But we're trying to follow the
law.

MS. MCGAURAN: So you're -- I think
Paul's point was that the data they give was based on
their interpret, not yours.

CHAIRMAN MCCORD: Correct.

MR. DEGGES: And I --

CHAIRMAN MCCORD: Exactly right.

MR. DEGGES: Our construction system does
not capture all of the contract or subcontractor stuff
for all the agencies who do work with.

CHAIRMAN MCCORD: Okay. So that's a
limitation even if they wanted to. So there's a process, a conversation there. I'm not sure we can improve it. But we certainly can improve the communication and the confusion that it was just TDOT or elsewhere -- elsewhere. And to your point, it should increase the size of people even if it's not required by law.

And then we have a process, it sounds like, more data -- I think we were thinking, especially during the COVID stuff, of streamlining a piece of this, is what we need to do. It sounds like we need to go back and re-evaluate. Okay. So if it makes for better preparation to come here and have the data beforehand, then that's something that we need to work towards as well. Would you agree, Tom?

MR. HERROD: Oh, that's fine, yes.

CHAIRMAN MCCORD: Okay. And then so the third and most pertinent question is, do we feel like we're prepared right now to be able to proceed with setting these rates? Do we feel good about it?

MS. MCGAURAN: I have one other question. Just, I don't really think about this except for one or two --

CHAIRMAN MCCORD: Fair enough.

MS. MCGAURAN: -- this time of year. But I was caught off guard when they -- or with Item No. 4, because -- that the information is for just a quarter, for July --

MS. CAUDILL: Yes.

MS. MCGAURAN: -- through September?

I always thought it was for the preceding year.

MS. CAUDILL: No. It's in the rules, preceding quarter of July, August, and September.

MS. MCGAURAN: Okay.

MR. BAILEY: It's in the statute as well.

MS. CAUDILL: The month of --

MR. DEGGES: That's when heavy construction is going on in the highway construction.

So I think there's an argument.

MS. MCGAURAN: That's when they do the majority of the work?

MR. DEGGES: Not the majority, but the broadest cross section.

MS. MCGAURAN: Okay.

MR. DEGGES: The time of year, for sure.

MS. MCGAURAN: So the heaviest months of the year.

MR. DEGGES: And I -- I guess to kind of build a little bit on Steve's comment about the data. You know, big picture, when you have lots of responses, averaging is going to get you pretty close. So I mean, like, if you look at Item No. 20 in the sweeping machine, only seven items, a tremendous increase. If we had the data, we could look in there and say, Well, is it overtime? Did somebody have some over-- you know, I'm not exactly sure. And you-all probably looked at all that too.

MR. HERROD: We did.

MR. DEGGES: But, you know, from --

MS. CAUDILL: It was cold --

MR. HARROD: Yes, the vacuuming of --

MS. CAUDILL: Yeah. They were getting paid 32.50 an hour. I called them. They had three tunnels they do every -- every month. And it wasn't just a sweeping machine, like what our wage shows; it was higher, because it was actually the milling and the vacuuming of the dust.

MR. WRIGHT: You could argue that's an inappropriate --

MS. CAUDILL: Classification.

MR. WRIGHT: -- classification.

Corporate data for this classification --

MS. CAUDILL: Yeah.

MR. WRIGHT: -- since they're vacuuming tunnels. I assume that's like a broom.

MR. DEGGES: It might be. Well, there's a broom operator.

MR. THOMPSON: Yeah, broom --

MR. DEGGES: At 11. Again, but that's something that we -- if we looked at, we might, you know how this applies to our sweeping contracts. But certainly that's a significant increase.

MR. WRIGHT: But I think that speaks to it's important for the -- you know, for us to review the data before we're asked to vote.

CHAIRMAN MCCORD: Or have access to it as we go through and can answer the questions like we did there.

Okay. So I guess the question is, do we want to try and proceed through this and see where we are, or do we -- what is our -- if we don't set it today, what happens?

MR. BAILEY: Well, the commission certainly has the authority to decide to have another meeting other than today, but the rates have to be set.
prior to December 1.

CHAIRMAN MCCORD: Okay.

MR. BAILEY: So you're going to have another meeting, which would have to be giving public notice, then you're going to have to have it pretty soon. And then, you know, if you want to see the backup data, then you would have time to review it before the next meeting.

MR. WRIGHT: I would ask our legal counsel, is it appropriate for us to vote on this without having reviewed the data?

MR. BAILEY: I don't know that that's a legal question versus a policy question, to be honest with you.

MR. DEGGES: I guess I would say, Steve, that I know Janet and all -- you-all guys have looked at all of this stuff professionally and all, and I think it's important for us to have this conversation.

I think, as the commissioner mentioned, going through COVID, trying to look at doing things a different way, I will submit to you that less than three meetings is better. And I think that technology is allowing us a little bit more. But to Steve's point, we would like to have a little bit more. And we could reach back out to Janet and say, Hey, could you send me your data? And we should have done that.

My comment to the committee here is, are you send me your data? And we should have done that.

MS. MCGAURAN: Is it possible to have the data here at this meeting?

MS. CAUDILL: Yeah.

MR. HERROD: We got it. It's on the --

MR. BAILEY: I mean, is it in a reviewable form?

MR. HERROD: It's on the -- yeah.

MR. WRIGHT: And I'm in no way saying anything inappropriate has been done. In the past, all of the work, other than the straight mathematics, has been in the review. Look through the data, you know, and that's where we found things that may or may not have been --

MR. HERROD: Yeah. This spreadsheet has tabs with all the crafts on it, and that goes into the combined fitted table and then into the spreadsheet.

Now, each one of these can be reviewed individually, looked at. I have -- we have gone through and taken out those projects that did not pay prevailing wage rates that they should have in that year. So it's already been filtered once just for that.

And anything that looked really high, we called the contractor and asked, Can you please confirm this. So but I'm not saying you wouldn't want to exclude some of this stuff.

MR. DEGGES: I mean --

CHAIRMAN MCCORD: So (overtalking) --

MR. DEGGES: I would propose moving forward, myself.

CHAIRMAN MCCORD: So did you have a question?

MR. THOMPSON: Well, yeah, I mean --

well, I mean, I'm fine with moving forward. I mean, in some of my stuff -- my questions, they actually were just generated once I started looking at this, and, you know, it was like the trucking. And so, like, to me, it would be like -- if I could just ask a question or two. I mean, because when you got those axles Are they on-road, or are they off-road?

I mean, I actually started calling some companies asking about the truck driver, what their rates were. And, I mean, you know, because is it three or four or five plus axles? Is it dominated by fuel truck drivers, or is it -- there's a dump trucking indus -- are they represented correctly in there with enough to make sure that -- because when you're getting into most of the dump truck people who were submitting this, they're DBEs.

Because there's so many certified payroll -- they're under contract. And then you've got a lot of these dump truck companies, ones who operate it, or whatever, they're not under contract, they're not submitting anything. So it's kind of like you're starting to penalize people unless you've got them separated and you -- does that make sense? I mean . . .

CHAIRMAN MCCORD: Let's to do this, this is what I propose let's do. Let's start working through this, and we can go to the data if we have questions and see if we have a comfort level, approving just one at a time, doing those -- doing the work, if we're good with that.

MR. DEGGES: I'd like to make a brief comment before we go through the data --

CHAIRMAN MCCORD: Sure.

MR. DEGGES: -- just for a little bit -- or maybe -- we seem to be in an interesting time in the transportation construction industry right now in that we're all competing for resources. In fairness, TDOT's view all along has been in prevailing wage work is that we want to make sure that we keep wages low, keep overall prices low.

My comment to the committee here is, are
we in a situation right now -- you know, if we put a really, really low rate in and Steve decides to pay his people at a much higher rate, well, he's not going to be competitive.

And the question that I've kind of got for the prevailing wage for -- you know, for what we're responsible for is, is there a mindset here that we need to be thinking about leaning to hire prevailing wage rates per what we're allowed to do in this? Because we're trying to encourage new employees to come into the industry. So I'm just throwing that out there from a -- I mean, we're a committee here that --

CHAIRMAN MCCORD: And that's within the purview of this committee --

MR. WRIGHT: You addressed my heart there, sir. Because that's the reason I just wanted to get on this committee, is that we work in several states, as you know. And Tennessee is the only state in which the prevailing wage published by the highway department is relevant at all.

I mean, Alabama, a bulldozer operator is, like, 8.75 or something. You know, who -- where are you going to find that? So, you know -- and I agree. And that's why we've tried to push to keep them that --

Mr. Deeges: I want to be careful when I'm saying this. You know, Congress passed a bill last Friday on the President's signature that for us means, particularly in our construction program, probably about a 20 percent increase in dollars going to construction.

That's going to be more projects. And we're already struggling in some areas of finding, you know, manpower to deliver the work. You know, we want our contractors to run their businesses and, you know, have more staff and -- you know, and more companies, more competition.

And, you know, right now, I mean, I've got a -- my nephew's roofing buddy makes $19 an hour serving pizza. You know, I mean, there's a competition for manpower out there.

And so I throw that out to this committee. Because I see the rulemaking that, you know -- and staff has done a good job. And, you know, we could argue about the details of it. But in general, this is the direction. They've looked at the data and said, Here is the bumper rails that we've got to operate between. And I just throw that out there --

CHAIRMAN MCCORD: So my comment would be, I think that's a fair lens to look through, and that's part of the (inaudible) --

THE COURT REPORTER: I'm sorry, if you could speak louder for me, please.

CHAIRMAN MCCORD: I'm a very -- I'm doing this on purpose so that you can't hear -- I will speak up.

I said, I think that's a fair lens for us to look through.

Mr. Thompson: I mean, just to add on there, I mean, I second Steve. And that's the reason why I'm diving so deep and asking a lot of questions. Because this is extremely important. Because this is a baseline that a lot of people work off of.

And so I think that it's important that they're right and they're accurate and they reflect -- because it is, it is changing so much. I mean, that's the reason why I was questioning about the truck drivers trying to understand it.

Because, I mean, we've seen rates -- I mean, we're seeing 20, 25 percent rate increases in trucking, just like -- I mean, it just happened like that because of fuel and pay. And truckers are trying to understand that to make sure that these are -- you know, are these right? Do these make sense?

CHAIRMAN MCCORD: All right. So why don't we dive in, Tom, and start working one by one with that all in mind.

Mr. Herrad: All right. First craft, they have zero responses. I'm going to ask for -- Jan will put up the proposal. I'll put in a suggested number that's based on the current prevailing wage rate times 1.2 percent increase, which was the overall increase, which would make it $25. You do have to stay between 22.75 and 25.65 for it to be a valid minimum wage. As we put those up there, we'll know whether or not it's a valid number.

So what is your --
MS. MCGAURAN: So, Tom?

MR. HERROD: Yes.

MS. MCGAURAN: Would you kind of walk us through this table and this graph --

MR. HERROD: Sure.

MS. MCGAURAN: -- and, you know, kind of what we're looking at and what those kind of thresholds are, where they come from, and those kind of things?

MR. HERROD: All right.

MS. MCGAURAN: Just remind me.

MR. HERROD: If you look on your spreadsheet or up here, in Column No. 2 we have the craft description. Column No. 3 is the number of responses that we had for each craft.

Anything in yellow is going to be four or below in responses. They're just highlights. Anything -- zero is highlighted text in red. The survey rate is the average rate for that classification, from -- whether it's 1 or 200. That's a survey rate.

And Column 5 is the current prevailing wage rate. That's in a yellow background. Then Column 6 is the survey versus the current prevailing wage. That's either an increase or decrease. It shows up in green if it is an increase of 6 percent or less. And anything in red background means it's a higher or lower increase depending -- or a decrease.

So it kind of highlights the survey versus the current.

Then Column 7, 8, 9, and 10 are the bumper rails, as it was referred to. The survey, we go by the survey, and only have that as an option. You have a min and max based on -- the calculation for that is the survey rate plus or minus 6 percent of the current prevailing wage rate.

So we have to know the prevailing -- the current prevailing wage rate goes into every calculation. It's just a matter of, do you add it to the current prevailing wage or to the survey rate. So that is the min and max.

Where there are -- over under the prevailing wage calculator, I have highlighted what the baseline will be, if it's the prevailing wage or if it's going to be the survey. And I have it highlighted for you.

Where there is zero response, you have to go by the prevailing wage. Where there are five or more responses, you have to go by the survey rate, which is in blue. And then when you have --

And then I have, under the -- I have a suggested number there. And then the proposed number is what you will give us. And we will put that in the spreadsheet on the screen then. And the validation will show up whether or not it's a valid number if it meets the criteria or the limits.

CHAIRMAN MCCORD: And the criteria is 6 percent.

MR. HERROD: Of the current prevailing wage rate, right.

CHAIRMAN MCCORD: Okay.

MR. HERROD: So that's the short explanation. If I've confused anybody or you need clarification, please let me know.

CHAIRMAN MCCORD: As we work through.

MR. HERROD: Exactly.

CHAIRMAN MCCORD: A couple of little --

MR. THOMPSON: The responses are jobs;

MR. HERROD: That's correct.

MS. MCGAURAN: So enough people with jobs --

MR. HERROD: It's the weighted average of all the hours, the responses -- individual responses from a company on the jobs that they have.
MS. CAUDILL: Per classification?

MR. HERRON: Per classification, right.

Okay?

CHAIRMAN MCCORD: Okay.

MR. HERRON: All right. No. 1. Craft No. 1, there is, we have no response. The current prevailing wage rate of 24.20. And based on the overall adjustment increase, overall increase this year of 3.34 percent, the suggested number is $25.01. It does happen to be between 22.75 and 25.65. So you can tell us what you propose. And as we put the number up there, it will let us know if that's a valid number.

MS. MCGAURAN: And so your suggested is?

MR. HERRON: $25.01.

MS. MCGAURAN: But you get the $25.01 because you calculated what number by 3 --

MR. HERRON: The current prevailing wage times --

MS. MCGAURAN: 3.34 percent?

MR. HERRON: Yeah.

MR. DEGGES: And that 3.34 percent is your analysis of all responses is a 3.34 percent inflationary rate?

MR. HERRON: That is correct. That's on the last page on the bottom of the second page.

MR. DEGGES: They've proposed using the average inflation rate?

MR. HERRON: That's correct. 25.01. Whatever is --

MS. MCGAURAN: One.

MR. DEGGES: -- it was higher than that?

MR. HERRON: Yeah. We had one response of almost 23 percent higher, $18.03.

MR. WRIGHT: The survey rate was 21.44. One response. You can take the survey rate if you like and the min and max between that or the prevailing wage.

MR. DEGGES: Let's just keep working through.

MR. HERRON: 18.03. All right. Item No. 3 had 64 responses. The overall increase was 2.66. That's survey versus the current. Based on past history, we've increased just enough to get it up to that 3.34 percent. That's what that 0.68 is. So the number -- the suggested number of 22.16 is 3.34 percent higher than what the survey rate is. That's just to keep it in line with the adjustment.

MR. DEGGES: And then .68 percent higher --

MR. HERRON: Than the overall increase. If you take the 2.66 and add the .68 to it, you get 3.4.

MR. DEGGES: Okay.

MR. HERRON: That's a little confusing.

MR. THOMPSON: Yeah.

MR. HERRON: Yeah. I hesitate, the base rate of 22, the survey rate, and increase it slightly to get it up to the overall increase, 22.16.

MS. MCGAURAN: So, basically, you're saying that the 21.44, the current prevailing rate, times the 3.4 gets you the 22.16, which is .68 percent higher than --

MR. HERRON: That's correct. That's correct.

MR. DEGGES: That's a little confusing.

MR. HERRON: Okay. Item No. 4, 117 responses. Here again, about 2.62 increase survey versus prevailing wage. I'm taking that over the -- we're going to raise -- or increase on the 24.03 survey and increase it slightly to .72 percent to get it up to 24.21. That will be 3.34 percent above the current prevailing wage.

MR. DEGGES: So these four classifications here for operators, that is a broad cross section of trucking equipment; is that correct? All equipment. Had a lot of responses in this area.
I mean, is this an area where, to your point earlier, that we're struggling?

MR. THOMPSON: Yeah. And it's also -- which Steve and I talked just a little bit about this. Some of your higher skilled machines are not necessarily in Class A. They may be in Class B. I used a motor grader for an example. And so it gets a little bit -- I don't know, the classifications, I'd love to have a topic discussion about those.

CHAIRMAN MCCORD: So this is one that we want to talk about as -- I mean, we're getting these up to -- we're increasing what the survey said. But you're thinking --

MR. HERROD: Well, I mean, my observation is, I've seen ads in the newspaper --

MR. WRIGHT: I think we ought to go to the maximum on the next four or five.

MR. HERROD: -- you know, for -- you know, CDL --

MR. THOMPSON: I'll -- we need to be above 4 percent.

MR. WRIGHT: Yeah.

MR. BAILEY: Excuse me. Try not to talk over each other. It's being transcribed, and it's hard for her to record two people at one time.

CHAIRMAN MCCORD: So --

MR. HERROD: Okay. The max is 25.44, the maximum we can go up to. Is that acceptable?

MS. CAUDILL: Yeah.

MR. HERROD: Okay.

MR. DEGGES: I'm -- do we want to go to the maximum or somewhere in between? I don't know the answer to that, but . . .

MR. HERROD: We have 6 percent. We can go --

CHAIRMAN MCCORD: So it sounds like we want to go to the maximum.

MR. WRIGHT: That would be my personal preference.

MR. HERROD: Okay. The maximum?

CHAIRMAN MCCORD: I think that's, Ann --

MS. MCGAURAN: I mean, I think it gets down to the question that Paul made earlier in conversation, is, kind of what are we trying to do. And my personal opinion, certainly -- my background says vertical (phonetic) construction rather than road construction. But you want as many possible bidders, that's where we get the best outcome.

CHAIRMAN MCCORD: Okay.

MS. MCGAURAN: Is what I prefer to see.

MR. DEGGES: I mean, this raises the cost of doing business for us.

CHAIRMAN MCCORD: Right.

MR. DEGGES: But my -- my thought, and I think this is what Steve and Scott are talking about is, for us to compete in this industry and have a level playing field for competition, the prevailing wage is a mechanism to do that.

MR. BAILEY: Okay.

MS. MCGAURAN: And there's a lot to be said for having high caliper people working on construction in terms of the overall outcomes. You know, the higher -- higher caliper, I guess, than a lower wage might lend yourself to.

MR. WRIGHT: Warm bodies are looking good right now.

CHAIRMAN MCCORD: So it sounds like it's 25.44.

MR. HERROD: All right. So go through No. 5, Class B operators. We have a similar situation?

MR. WRIGHT: Yes, sir.

MR. HERROD: The overall increase was 4.45 percent. We can go -- we can bump it up some more and get it up to 23.07.

CHAIRMAN MCCORD: Sounds like that's consensus.

MR. HERROD: Sounds good.

All right. 23.07. All right. The next one will be the similar thing. We can pump it up. That's Item No. -- Class C operators, Craft No. 6. We can bump it up to 24.04.

MS. CAUDILL: Up.

MR. HERROD: Is that good?

MS. CAUDILL: Uh-huh.

MR. WRIGHT: Please.

MR. HERROD: All right. The next Item is Class D. It went up 5 percent, almost 5 1/2 percent. We can take it up a little bit more, take it to 22.67.

MS. CAUDILL: Okay.

MR. HERROD: Is that good?

MS. CAUDILL: Uh-huh.

MR. WRIGHT: Please.

MR. HERROD: All right. The next Item is Class D. It went up 5 percent, almost 5 1/2 percent. We can take it up a little bit more, take it to 22.67.

MS. CAUDILL: Okay.

MR. WRIGHT: Yeah.


Survey was slightly higher, 4 percent higher than the current prevailing wage. We can leave it at that wage or we can, within the limits there, take it down some or move it up some.

MR. BAILEY: A concrete finisher is just as hard to find as a motor vehicle operator.

MR. HERROD: So 21.59.
MR. WRIGHT: Or a good one.

MR. HERROD: All right.

MS. CAUDILL: Yeah.

MR. HERROD: Okay. 21.59.

All right. The next one is a drill operator. We only had three responses, therefore we can go either with the survey or the current. They're very similar. I took the higher rate, 37.26 was the survey, and increased it slightly. We can maximize it or somewhere in between.

MR. THOMPSON: I have no opinion.

MR. WRIGHT: Yeah. Most every case -- operator we use is a subcontractor. And, honestly, I think the vast majority of them are union employees.

MR. HERROD: Okay.

MR. WRIGHT: Is that not right, Brian?

MR. EGAN: I assume, basing --

MR. WRIGHT: Knowing who the contractors are --

MR. EGAN: -- (over talking) specialize, I would --

MR. WRIGHT: -- because most of their work is done on building.

MR. HERROD: All right. Do you want to take the suggested number?

MR. DEGGES: I would agree.

MR. HERROD: Okay.

MR. WRIGHT: Yeah.

MR. HERROD: All right. The next one is an electrician. It went down slightly.

MS. MCGAURAN: Can I ask a question? If the prevailing wage rate is a certain wage, how can people pay less than the prevailing wage rate on contract?

MR. DEGGES: They're not supposed to per our contract.

MR. WRIGHT: They're older.

MR. HERROD: No, they -- well, they're --

they pay whatever the letting year was.

MR. WRIGHT: To answer your question, the contract may not have been let in 2021. It may have been a 2018 contract, which is how the number gets --

MR. DEGGES: On average, our contracts last four years. And at the time they go into effect is when the prevailing wage is --

MR. WRIGHT: So who turns the number in correctly?

MS. MCGAURAN: So those are probably old numbers as well as . . .
year was that? That's a 2019 contract? And then if you go to the very top, there was almost a 2,000-hour one.

MS. CAUDILL: We have 2017 in it too.

MR. WRIGHT: Yeah.

MS. CAUDILL: That was the oldest I remember.

MR. WRIGHT: There's 1,200 right there, so --

MS. MCGAURAN: Can we sort by, you know, like, maybe 2020 data just to see where . . .

MR. WRIGHT: I don't have an opinion.

MR. THOMPSON: I don't either.

MR. WRIGHT: I have never tried to hire --

MS. MCGAURAN: I just --

CHAIRMAN MCCORD: Let's look and see.

MS. CAUDILL: There's the one from . . .

MS. MCGAURAN: So it appears that the rate that they've got mentioned here, 33.79, would be still an increase from what people were, you know, receiving.

MR. HERROD: We can go to 33.96 on that. That would be the maximum.

MS. MCGAURAN: So Tom and Jan, I think it would be helpful -- I don't know if you can lock that spreadsheet in such a way so we can change the numbers, but if, in addition to the pdf we got that whole workbook, that would be helpful --

MR. HERROD: Yeah. I'm going to send this off to Ms. --

CHAIRMAN MCCORD: Process change.

MS. MCGAURAN: Yeah, going forward.

MR. HERROD: Okay. Item No. 10. Item No. 11, there was a 4 percent decrease. We can go up to the max, 16.88. How's that? That's good?

MS. CAUDILL: Uh-huh.

MR. HERROD: Okay. Item No. 12, ironworkers, we had five responses. It went up 6 percent. We can keep it there or we can take it up a little bit more. Suggested is 21.15. That gives you a little over a 6 percent increase.

CHAIRMAN MCCORD: Okay.

MR. HERROD: Item No. 13, there was no responses, so we have to work off the prevailing wage. Suggested is 21.36. It's 3.34 percent increase. Is that good?

MR. THOMPSON: Yeah.

MR. HERROD: Okay. Item No. 14, essentially stays the same, a 1 percent decrease. We can -- suggestion is -- up to 26.45, that gives you an overall increase of a survey of 4.36, which is 3.34 percent over the current prevailing wage, 26.45. Is that good?

CHAIRMAN MCCORD: Uh-huh.

MR. HERROD: Item No. 15, we have a suggested rate of 27.32. There was a 4 percent increase overall. We could leave it at 27.32 or take it up from there. That gives you 27.32. Is that good?

MR. THOMPSON: Yeah.

MR. HERROD: Okay. Second page. Item No. 16, mechanic light duty. There was a 3.3- -- 3.46 percent increase. Suggested is 25.66. That's a -- that does give you a little over what the overall increase is, 25.66. Is that good?

MR. THOMPSON: Yes.

MR. HERROD: Okay. Item No. 17, we only had one response. So we can go with either the survey or prevailing wage rate. They're almost identical. So the suggested is 33.35. It gives you the 3.34 percent increase. Is that good?

MR. THOMPSON: Yeah.

MR. HERROD: All right. Item No 18, skilled laborer, a 3.93 percent increase. We can go with survey or take it up some more, but the survey gives you slightly over the increase. Is that good?

MR. DEGGES: So this is -- with, you know, skilled labor and unskilled labor, that's your --

MR. WRIGHT: That's our biggest one right there. I mean, I would personally be for raising that to the maximum.

MS. MCGAURAN: So the 20- --

MR. WRIGHT: That's just my one opinion.

MR. HERROD: Okay. Item No. 19. I only had one response. We can use the survey or the current prevailing wage, but we can take it up to 28. That's the suggested. That gives you the 5 percent increase, or we can take it up slightly more, 28?

MR. DEGGES: 28.

MR. HERROD: 28 good?

MR. THOMPSON: Yeah. Item No. 20, we've got a -- we had seven responses.

MS. MCGAURAN: I think this is where they (inaudible) --

THE COURT REPORTER: I'm sorry, if you
could speak up for me, please.

MS. MCGAURAN: I said, I think this is where they wanted to see the data.

MR. HERROD: Okay. No. 20.

MR. DEGGES: This is the one you-all said you-all called about.

MS. CAUDILL: Yeah. It's still a contractor.

MR. WRIGHT: What did you say they were doing, Jan? I'm -- I was lost.

MS. CAUDILL: Cold milling the tunnels.

MR. WRIGHT: Cold.

MR. THOMPSON: No. No. That -- those -- actually, this is -- those are actually the broom trucks that you're running behind -- at Jones Brothers, I know, standard would be the same. They're running behind the -- milling it.

MS. CAUDILL: Right.

MR. WRIGHT: So they're on the interstate in the middle of the night.

MR. BAILEY: Yes.

MR. WRIGHT: It could ruin your company with one --

MS. MCGAURAN: So the suggested rate of 29.63 seems high.

Mr. Egan: Go into -- I hate to call it -- a machine they developed that cleans and brushes those tiles of our tunnels and takes the dirt overhead --

MR. DEGGES: Overhead sweeper.

CHAIRMAN MCCORD: Significantly different.

MR. WRIGHT: That's a dramatically different thing --

MR. Egan: That's all I'm saying. It doesn't coincide with the definition that's in the promulgated rules.

MR. WRIGHT: Because 32.50 would put the guy picking up behind the milling machine the highest paid member of a paving crew. I think --

MR. THOMPSON: Yeah. That would be correct.

So we need to --

MR. Egan: It doesn't necessarily match the description --

MR. WRIGHT: -- split it or toss it or something. I don't exactly know.

MS. MCGAURAN: So the suggested rate of 29.63 seems high.

Mr. Thompson: Extremely high.

MR. WRIGHT: I would offer that the $32 paid by Diamond Specialized, Inc., is what they had to pay to get the skilled operator to do what they were doing. It's not like if we lower the rate they're going to go down. But if we make Jones Brothers do -- their sweeping machine operators, it's going to dramatically impact the dynamics of the crew. I think it's inappropriate to -- either we need to split it out somehow, or we really ought to ignore Diamond Specialized's stuff, because that's a whole different category.

MR. HERROD: So if you ignore that, the other two that are highlighted, 17.75 -- go back -- you're not paying an accurate prevailing wage for that year. So the number would be 19.20, which was paid accordingly by Jones Brothers. So it was the current prevailing wage. So we can adjust it off of that if you'd like to.

MR. WRIGHT: That's one of the things we maybe should consider, a category, or if there's a lot of it -- is there a lot of tunnel vacuuming going on, Brian.

MR. Egan: No, we just have the three projects.
CHAIRMAN MCCORD: Yeah, so do we have the ability to set this? I mean, it's reasonable not to include those. So -- okay.

MS. MCGAURAN: So can we take them out or hide them, I mean, remove them from --


MS. CAUDILL: Uh-huh.

MS. MCGAURAN: So I think what you were saying, Janet, is that the 17.75 wasn't paid the appropriate prevailing wage?

MS. CAUDILL: No. It should be 19.20.

MR. HERROD: We -- it's not being considered in the calculations.

MR. WRIGHT: Click on that.

MR. HERROD: We can -- so you only end up with four entries, $19, 19.20. And you're talking --

CHAIRMAN MCCORD: Let's work off of the 19.20.

MR. HERROD: Okay. So, basically, that's four responses. And there would be -- 19.20 would be the current prevailing wage. So you could go up 6 percent or go up to 3.34 percent, which is --

MR. WRIGHT: Scott, does that make logical sense in the fact it's almost the same rate as skilled labor?

MR. THOMPSON: 19.84 --

MR. DEGGES: I would almost say --

MR. WRIGHT: I bet that's where ours --

MR. DEGGES: Yeah. Or you could put it down into a Class D, like a water truck or -- that's the reason why -- I mean, I don't know if I wouldn't move --

MR. WRIGHT: So, really, we may have the wrong one.

MR. HERROD: Well, I took 19.20 times 1.3 percent. I got 19.84. Do you want to go up 6 percent?

MR. DEGGES: 6 percent would be 20.35.

MR. HERROD: 20.35. Okay. Go up to 20.35.

CHAIRMAN MCCORD: That was pretty impressive. Yeah, we need to -- the math on your end.

MR. HERROD: Item No. 21, suggested rate is 20.07. That gives you the 3.34 percent of our current prevailing wage and keeping in line with the survey. Do we want to go to the max or keep it there?

MR. DEGGES: So are these -- are these two axle and three -- are these multi axle truck drivers similar -- do you have a fair amount of number -- or are they in that same rage as the operators? That's a struggle?

MR. WRIGHT: Yes. The -- especially the No. 22. That's the one where we had to quit paving because nobody's got drivers.

MR. THOMPSON: Yeah. That's the industry that --

MR. WRIGHT: That's really, really --

MR. THOMPSON: That was my big one, trying to figure out who's submitting, who -- are we getting good information on that one. Because that was the one that stuck out to me, is that -- are we getting -- are we getting enough there to know that these are --

MR. WRIGHT: Paul, I would personally think that Item 21 is the truck driver two axles, probably grease trucks and lube trucks and maintenance vans. And so, you know, they're critical and important. But the 22 is the one that delays your projects.

MR. DEGGES: So are you proposing the --

MR. WRIGHT: The max.

MR. DEGGES: -- 20.07 for the two-axle?

MS. CAUDILL: 20.98 --

MR. DEGGES: -- or the 20.98?

MR. WRIGHT: It doesn't really matter.

MR. DEGGES: I would stick with the suggested.

MR. WRIGHT: Yeah. We'd really be better to get the --

MR. DEGGES: 20.07 --

MR. WRIGHT: -- the 22 above the 21.

MS. MCGAURAN: Right. So then going up to that, so you would have 20.07 for the two-axle and 22.42 for the three-, four-axle. And then it would go up to the 23 for the five-axle. So there would be an incremental increase.

CHAIRMAN MCCORD: That would line up, yeah.

MS. MCGAURAN: Okay.

MR. HERROD: All right. 20.42 for Item 22, and then --

MS. MCGAURAN: Item 21 is $20.07, just like you recommend.

MR. HERROD: Right.

MS. MCGAURAN: Item 22 would go to the maximum, which is the 20.42. And then I think the thinking is that your Item 23 might stay at your recommended number.
MR. HERROD: 23.89. Okay. Item 24, unskilled, that was suggested --

MR. WRIGHT: Before we --

MR. HERROD: Yes, sir.

MR. WRIGHT: Before we leave that, could we see the data, please, for --

MS. CAUDILL: For No. 22? I just would like to know.

MR. WRIGHT: Do you want a certain year? I was looking for the big numbers. I'm looking for the big volume.

MR. THOMPSON: I don't know what -- had we had a trucking company yet?

MR. WRIGHT: No. I don't recall if we did.

MR. THOMPSON: See.

MR. WRIGHT: There's not --

MR. DEGGES: See, Erosion Solutions is not even showing up on there, are they?


MR. WRIGHT: And Gibco has not turned in any?

MR. THOMPSON: So the two-axle is two rear axles?

MR. EGAN: The definition for a Class 21 of the truck driver two-axle says, (as read) One who drives a multi rear axle truck for transporting construction materials, oil, grease, otherwise service -- adjusted to equipment as needed, may perform other related duties.

MR. BAILEY: I'm sorry, but which number did you say?

MR. EGAN: That was for the two-axle.

MR. THOMPSON: So the two-axle is two rear axles?
1. does DBE stand for?

MR. THOMPSON: Disadvantaged business.

MR. DEGGES: So disadvantaged business enterprises own the federal aid contracts. We are required to be reflective of the population of Tennessee, and so we set aspirational goals on projects.

And we also use DBEs, not on goal projects. Like if a contractor hires a DBE, we want to make sure that we're capturing that data. So all of that subcontract information shows up in our contracts. But if a contractor just calls a trucking company and says, Hey, I need some dump trucks today, that subcontract doesn't show up in our system.

MS. MCGAURAN: So you're DBE is disadvantage, not diversity?

MR. DEGGES: It's the federal definition.

MS. MCGAURAN: Okay.

MR. BAILEY: The only reason I brought it up is the acronym DBE was used several times. I don't think it was ever defined in the record. So I wanted to make sure it was.

MR. WRIGHT: The point -- the five points that got Scott and Paul are making is that (inaudible) --

THE COURT REPORTER: I'm sorry, I can't hear you.

MR. WRIGHT: The contracts to the DBE truckers, we actually issue a subcontract to. And if you just call the quarry and say, Hey, have my rock delivered, they may send it on to Fred and Susie and Jim's truck, and there is no subcontract. You just pay it on that bill. So it is -- the data doesn't go through Brian's system, which I always thought was bizarre that -- you know, those guys may be making trading chickens for driving. I mean, there's no telling what they're doing.

MS. MCGAURAN: And I just have one question for the person taking notes. Did you ever get Brian's full name?

THE COURT REPORTER: No.

MR. EGAN: Brian Egan, E-G-A-N.

MS. MCGAURAN: Is there anybody else, same thing, you think you did not get their full name?

THE COURT REPORTER: Well, I'm going to get a copy of who all is in attendance. I know who is at the table. I don't know who is around the perimeter. I have Lisa because she came in. Now I have Brian.

MS. MCGAURAN: So when you speak, if you're not at the table, you need to say who you are before you make a comment.

(Discussion off the record.)

THE COURT: Jan, you just brought up the news, I think.

MS. CAUDILL: Oops. I'm just . . .

MR. WRIGHT: Mr. Commissioner, sir?

CHAIRMAN MCCORD: Yes, sir.

MR. WRIGHT: And I think this last few minutes of discussion brings to light the continued need for us to -- or maybe the association that can't -- or TDOT, or one of the two or both, we need to work together to train our people to turn in better -- appropriate and better data to this department so we can make better decisions.

CHAIRMAN MCCORD: And so part of our process review will be better marketing, better education so we can increase the pool of folks to make sure we're connecting with those folks. I absolutely agree.

MR. HERROD: Okay.

MR. THOMPSON: I have one question, changing these -- if we're trying -- I mean, which one of these are -- tandem or dump trucks fall under, which category?
a lot of survey responses and you felt like they were appropriate. So I just would question that, certainly the subject matter in the room, whether keeping it to that rate is appropriate versus going closer to the 25.31.

MR. DEGGESE: So let me just throw out to the construction industry here. So in our contracts, we have, for lack of a better term, stiffer penalties about safety and put more risk on the contractors. And what that data appears to show, and at least one contractor -- it was all one contractor. And they do good work for us -- that -- that the market is driving more expertise and more money for that.

So, I mean, arguably, the 23.99 is the market rate today. And, you know, the question is is, do we give -- do we think from a prevailing wage standpoint it needs to be any higher up.

Mr. Starwalt: Kent Starwalt, Tennessee Road Builders Association. I would say it is the prevailing wage, which is what you're supposed to establish. So if you've got somebody that's paying 23.99, they're paying at 9.4 percent above the wage, that is a prevailing wage, which is what you're supposed to be paying.

MS. MCGAURAN: Okay.

oddball -- something else in there. You know, that's what they do every day all day long. It's probably appropriate, whatever they have.

MR. HERROD: 23.99. Okay. We can go back over quickly or if you're -- does that make sense?

CHAIRMAN MCCORD: Yeah.

MS. MCGAURAN: So 23.99, we have 80 responses. And we're keeping it at exactly what they paid them this past year. We're doing --

MR. HERROD: No. No. No. No. We're going by the survey rate.

MR. DEGGESE: A 9.4 percent increase.

MR. HERROD: Yeah. It's above the current prevailing wage rate by a half percent.

MS. MCGAURAN: Yes. But it's not above what people are paying them today. We don't give them any buffer for next year. We're just telling them that they're now going to be able to pay what they have been paying in the past.

MR. HERROD: That's what we've done in past commission meetings.

MS. MCGAURAN: Right. Just, when I look back at the ones where we kind of have gone to the max on those things, have been those ones where there were
MS. CAUDILL: Uh-huh.

MR. HERROD: Craft 20, 20.35. We took some data out for that one, so 20.35. Craft 21 is 20.07; 22 is 20.42; 23 is 23.89; 24 is 17.71, and 25 is 23.99. Any --

CHAIRMAN MCCORD: Well, let's do this.

I'm going to pause here. Any other comments that anybody wants to make, and we'll call for a motion to approve the rates. So I'm going to pause first. Okay. So we've set the rates. Is there a motion to approve without conflict of interest?

MR. DEGGES: Motion. No conflict.

MR. THOMPSON: Second with no conflict.

CHAIRMAN MCCORD: Second. So we have a motion and a second. Any further discussion?

MR. THOMPSON: Jan, can you pull back up and sort by company. I just want to make sure that Erosion Solutions -- so I can understand that she thinks she did but she didn't. And then if she did, what she did it under so I can understand this trucking...

MR. WRIGHT: I bet it's all erosion work.

MR. HERROD: Back to erosions.

MS. CAUDILL: It's right there.

MR. THOMPSON: There it is. There it is.

MS. CAUDILL: There they are.

MS. MCGAURAN: Craft 7 and 24.

MS. CAUDILL: Yep.

MR. THOMPSON: Class D operators.

MR. WRIGHT: Sorry, guys. There's just no trucking. It's all their erosion work.

CHAIRMAN MCCORD: Any other discussion?

A motion -- oh, go ahead.

MS. MCGAURAN: I just -- not on this.

But one of the things, as we talked about, like tunnel cleaners or something like that, in the past when we had more meetings, we also looked at the classifications and decided whether or not definitions were still pertinent, whether additional classifications needed to be added to the list or anything like that. And I don't see that as an item even in consideration. And so I would also propose going forward that we add that back into our deliberations.

CHAIRMAN MCCORD: Understood.

MS. MCGAURAN: Okay.

CHAIRMAN MCCORD: Any other discussion?
office just went and found the data and put it in. But we probably need to also train them on what to do if you have a project you think to be eligible but that is not prepopulated.

CHAIRMAN MCCORD: Understood.

MR. WRIGHT: Because that was a point of confusion with some.

CHAIRMAN MCCORD: Thank you, sir.

Any other discussion?

So we have a motion to second. No more discussion. And then I would call for a vote on the current prevailing wage rate. All those in favor say aye.

IN UNISON: Aye.

THE COURT: All those opposed.

Motion carries.

Hey, thank you. We have some good input on some processes going forward and marketing. And I think we all agree the better the pool the better our ability to make decisions. So we'll work towards that as well.

And now I need a motion without a conflict to adjourn this meeting.

MS. MCGAURAN: So moved without a conflict.

CHAIRMAN MCCORD: Thank you.

And a second.

MR. WRIGHT: Second with no conflict.

CHAIRMAN MCCORD: With no conflict.

Any further discussion? We have a motion and a second. Conflict free.

Hearing no discussion, this meeting is adjourned.

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