

1 STATE OF TENNESSEE
2 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
3 PREVAILING WAGE COMMISSION MEETING
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10 November 18, 2020
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16 ORIGINAL
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1 APPEARANCES:
 2 Commissioner Jeff McCord, Chairman
 3 Commissioner Wayburn Crabtree, TDOT Designee
 4 Ann McGauran, State Architect
 Tennessee Department of Treasury
 5
 Scott Thompson, Industry Representative
 6 Talley Construction Company
 7 Stephen Wright, Industry Representative
 Wright Brothers Construction
 8
 Dan Bailey, Legal Counsel
 9
 Tom Herrod, Assistant Commissioner
 10
 Kenneth Neely, Director
 11
 Jan Caudill, Administrative Assistant
 12
 13 Also Present: Kent D. Starwalt
 Tennessee Road Builders Association
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1 * * * * *
 2 CHAIRMAN MCCORD: I call the
 3 meeting to order of the Prevailing Wage
 4 Commission. We'll start with a roll call.
 5 For the record, Wayburn Crabtree?
 6 MR. CRABTREE: Present.
 7 CHAIRMAN MCCORD: Ann McGauran?
 8 MS. MCGAURAN: Present.
 9 CHAIRMAN MCCORD: Scott Thompson?
 10 MR. THOMPSON: Present.
 11 CHAIRMAN MCCORD: Stephen Wright?
 12 MR. WRIGHT: Present.
 13 CHAIRMAN MCCORD: And I, of course,
 14 am present, too, Jeff McCord.
 15 We'll start with some announcements.
 16 Let me say this first: As part of making a motion
 17 and approving a motion, which we'll have to do
 18 several times today, please note that if you have
 19 a conflict of interest, as you do that, to
 20 disclose that before you make the motion so that
 21 we know that there is a conflict of interest. And
 22 me announcing this now will keep us from having to
 23 do that every single time. So we'll do that at
 24 the outset.
 25 Other than that, in the event of an

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AGENDA

1 I. Call to Order and Roll Call
 2
 3 II. Announcements
 4
 5 III. Conflict of Interest Declaration
 6
 7 IV. Adoption of Agenda
 8
 9 V. Old Business
 10 * Review and approve November 13, 2019
 Prevailing Wage Commission Meeting
 Minutes prepared by the Labor Standards
 Unit
 11
 12 VI. New Business
 13 * Set rates for 2021 Prevailing Wage for
 State Highway Construction Projects
 14
 15 VII. Discuss future Prevailing Wage meeting dates
 for 2020 (if necessary).
 16
 17
 18 The next regularly scheduled meeting of the
 Prevailing Wage Commission will be held
 1:00 p.m. (CST) on Wednesday, November 17,
 2021, at the State of Tennessee, Department
 of Labor and Workforce Development building
 located at 220 French Landing Drive,
 Nashville, Tennessee 37243
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 25 VIII. Adjournment

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1 emergency, we have staff -- can you raise your
 2 hands, staff? -- will help lead you to the
 3 appropriate exits and the appropriate gathering
 4 point outside in the case of an emergency. So
 5 just go to those folks if something were to
 6 happen, which we don't expect it to, and hopefully
 7 not.
 8 But in terms of the conflict of
 9 interest declaration, all the forms, the conflict
 10 of interest forms, should be on file. And if you
 11 do not have those, please -- or have not turned
 12 those in or have them with you now, please see Jan
 13 and she can get those to the appropriate place for
 14 you.
 15 So with that said, we're going to
 16 move right into the meeting with the adoption of
 17 the agenda. So that agenda was sent out to you
 18 earlier, and what we'll look for now is a motion
 19 to adopt the agenda.
 20 MR. WRIGHT: I would move for
 21 adoption.
 22 MR. THOMPSON: Second.
 23 CHAIRMAN MCCORD: We've got a
 24 motion and a second. Any discussion?
 25 (No verbal response.)

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1 CHAIRMAN MCCORD: All those in
 2 favor of adoption, say "aye."
 3 (Affirmative response.)
 4 CHAIRMAN MCCORD: All those
 5 opposed, like sign.
 6 (No verbal response.)
 7 CHAIRMAN MCCORD: The motion
 8 carries.
 9 Okay. We'll start with old business.
 10 And that involves with the adoption or the
 11 approval of the minutes from last meeting,
 12 November 13. And once again, that was sent out
 13 earlier to you to review, so we'll be looking for
 14 a motion to approve those minutes.
 15 MR. THOMPSON: So moved.
 16 CHAIRMAN MCCORD: We have a first.
 17 Do we have a second?
 18 MR. WRIGHT: Second.
 19 CHAIRMAN MCCORD: Any discussion?
 20 (No verbal response.)
 21 CHAIRMAN MCCORD: All those in
 22 favor say "aye."
 23 (Affirmative Response.)
 24 CHAIRMAN MCCORD: All those
 25 opposed?

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1 construction, if they did not meet that year's
 2 prevailing wage, those responses were filtered
 3 out. They were not accepted. So there's
 4 several -- a few hundred like that, actually.
 5 Also, there were several that were not road
 6 construction projects. They were airport
 7 projects, and we filtered those out.
 8 So what you have here are those
 9 responses for the years where the prevailing wage
 10 was within -- at or above the minimum wage, and
 11 they were actual road construction projects.
 12 MR. WRIGHT: If I might, a city
 13 project that is funded with TDOT funds, is that a
 14 road project?
 15 MR. HERROD: Yes, sir.
 16 MR. WRIGHT: Then Mr. Summers' data
 17 should be included.
 18 MS. CAUDILL: It was.
 19 MR. WRIGHT: Okay.
 20 MR. CRABTREE: That doesn't include
 21 airport projects, Steve, that are funded with TDOT
 22 funds.
 23 MR. WRIGHT: I've got an email that
 24 said it wasn't.
 25 MS. CAUDILL: It was questioned,

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1 (No verbal response.)
 2 CHAIRMAN MCCORD: That motion
 3 carries as well.
 4 In terms of new business, we'll start
 5 that now with the discussion on the prevailing
 6 wage rates that we are currently proposing, and
 7 we'll turn that over to Tom to lead that
 8 discussion.
 9 MR. HERROD: Thank you,
 10 Commissioner.
 11 My name is Tom Herrod. I'm the
 12 assistant commissioner for workplace regulations
 13 and compliance. We have prepared the data from
 14 the responses that we got from the road
 15 construction contractors for the 2020 period of
 16 July, August, and September.
 17 In front of you is an Excel
 18 spreadsheet, front and back. You will note that
 19 we had 1,654 responses with an overall increase of
 20 5.1 percent change from last year. This is a
 21 weighted average.
 22 One of the things I wanted to tell
 23 you, first of all, we had many more responses than
 24 what we have here. Based on the prevailing wage
 25 rates or the wages that they paid over the year of

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1 but then we included it in the overall figures.
 2 So, Commissioner, one other question.
 3 Was there -- when you said responses that did not
 4 meet last year's prevailing wage, help me
 5 understand what that means.
 6 MR. HERROD: Well, we had responses
 7 that came in from years as far back as 2013. We
 8 took the prevailing wage for those years. Those
 9 projects had to meet the minimum wage for that
 10 year. So we had prevailing wages from 2013 to
 11 2020, and the year was also noted on the response,
 12 so we filtered that out based upon that particular
 13 classification. So if the project as old as 2013
 14 did not meet that minimum wage, that was filtered
 15 out, because we could not skew it to the low side
 16 for that year. It wouldn't be right. Of course,
 17 there were several that were higher than minimum
 18 wage for that year. That's fine. They can pay
 19 what they want to. But they had to meet that. So
 20 that's what I'm talking about for that particular
 21 year.
 22 We had a another -- you don't see it
 23 in front of you, but there was a pivot table, if
 24 you're familiar with Excel, that had all the wages
 25 on it and the year for that particular

<p style="text-align: right;">Page 10</p> <p>1 classification, that minimum wage classification. 2 MS. MCGAURAN: And the year was the 3 year the project started or the project ended? 4 MR. HERROD: Started. 5 MR. CRABTREE: If I understand what 6 you're saying, if the wage that was submitted 7 doesn't meet the prevailing wage rate for that 8 classification and for that year, you didn't count 9 it. 10 MR. HERROD: That's correct. 11 MR. CRABTREE: So what that means 12 is somewhere on the TDOT project, somebody is not 13 paid a correct wage. 14 MR. HERROD: That's another problem 15 that we're going to have to deal with. We're 16 going to have to look into that. Of course, we 17 only have a few weeks to get this together, so we 18 have to go back and check those companies and 19 see -- let them know if they did not -- there may 20 be some other things that we have to do as part of 21 either a violation that would have to be -- 22 MR. CRABTREE: Well, if there's a 23 violation are you going to follow up on that? 24 MR. HERROD: Yes, sir. Yes, sir. 25 MR. CRABTREE: You're going to have</p>	<p style="text-align: right;">Page 11</p> <p>1 people scared to submit next year. 2 MR. HERROD: Well -- 3 MR. CRABTREE: I think you should. 4 I think you should. I just didn't know if you 5 ever did that before. 6 MR. HERROD: Well, this is -- this 7 may be the first year that we've really delved 8 into the responses and gotten accurate results 9 that meet the -- 10 MR. WRIGHT: It's the first time 11 I've heard -- 12 MR. HERROD: -- meet the 13 standards -- I'm sorry? 14 MR. WRIGHT: It's the first time 15 I've heard the word "pivot table" at this meeting. 16 MR. HERROD: Well, it's the first 17 time I've used a pivot table. But that's outside 18 this commission meeting. But -- 19 MR. CRABTREE: Can you share that 20 list? Can you give me that list? 21 MR. HERROD: Yes, sir. Anybody 22 that's interested in that spreadsheet, I'll be 23 glad to send it to you. Play with it all you 24 like. 25 Okay. Secondly, we had -- and as you</p>
<p style="text-align: right;">Page 12</p> <p>1 understand the rules and the law, any 2 classification that has zero responses, we have to 3 base the new prevailing wage on last year's 4 prevailing wage, 2020, plus or minus 6 percent 5 max. That's for zero responses. 6 Any classifications that are one to 7 four responses, you have two options. You can 8 base it upon the last year's prevailing wage 9 exclusively, or you can base it upon the survey 10 rate plus or minus 6 percent of last year's 11 prevailing wage. 12 So you will see on this color-coded 13 Column Number 3, the responses that had zero to 14 four responses, you will notice that you have a 15 couple of options out here as far as survey for a 16 prevailing wage. I've tried to color code this, 17 and if you're color blind, I apologize, but it's 18 the only way I can keep up with things when we 19 have this much data. 20 You'll see over right in the P -- in 21 the area called PW Calculator, Prevailing Wage 22 Calculator, the base rate is either the survey 23 rate or the 2020 prevailing wage rate. And I put 24 down that base rate assuming -- you can change it 25 if you like -- assuming that you would want to go</p>	<p style="text-align: right;">Page 13</p> <p>1 with the lesser of the two for those particular 2 years, if you have an option. We'll talk about 3 that in a minute. 4 Then over in the far right of that 5 prevailing wage calculator, whatever wage you 6 decide upon -- and you have a column that's blank 7 there that you can fill in -- it has to satisfy 8 the -- it has to be valid. In other words, one to 9 four, you have two options. And it either has to 10 satisfy the survey rate or the 2020 prevailing 11 wage rate. 12 For zero responses, it has to satisfy 13 the rule 2020 prevailing wage plus or minus 14 6 percent. For those that are five and above, you 15 have to go with the survey rate plus or minus 16 6 percent or the 2020 prevailing wage rate. 17 So as Ms. Caudill puts in the numbers 18 for us up here, that will color code change. If 19 we pick a number that's outside the range that's 20 valid, it will show up in red, so we have to redo 21 it. In the far, right-hand side, the last thing 22 I'm showing you here is the percent difference 23 between 2021 proposed, that I proposed, versus 24 last year's 2020 rate. Now, this is just a 25 proposal. And it's -- the 5.1 percent is based</p>

<p style="text-align: right;">Page 14</p> <p>1 upon the overall change. And you'll see that on 2 the -- if you turn it over, that's the overall 3 change from last year. And that's a weighted 4 average.</p> <p>5 The way they do that calculation is 6 all the responses that came in, you get a weighted 7 average of the overall salary. And then they 8 apply last year's prevailing wage to those 9 salaries, if it was just strictly the minimum, the 10 prevailing wage, and they come up with an hourly 11 wage. And the difference is the number here, 12 5.1 percent.</p> <p>13 There are some -- I have to tell you, 14 there are some classifications on the second page 15 that are outside that have been skewed quite a bit 16 by a few responses. And so they appear in red in 17 Column 6. As we get to those, I can explain that 18 in better detail.</p> <p>19 If it suits everyone, we can get 20 started going down the classifications and get 21 some momentum going and see if everybody agrees 22 with the process. This is exactly what we did 23 last year and it seemed to work well.</p> <p>24 MR. CRABTREE: One more thing. 25 MR. HERROD: Yes?</p>	<p style="text-align: right;">Page 15</p> <p>1 MR. CRABTREE: I don't see one that 2 has four exactly.</p> <p>3 THE REPORTER: Does he have his 4 microphone on?</p> <p>5 MR. BAILEY: Can you turn your 6 microphone on, please?</p> <p>7 MS. MCGAURAN: Wayburn, just push 8 the button on your microphone.</p> <p>9 MR. CRABTREE: I don't see one that 10 has exactly four responses.</p> <p>11 MR. HERROD: Correct.</p> <p>12 MR. CRABTREE: But if one did have 13 exactly four responses, would it go zero to four, 14 or --</p> <p>15 MR. HERROD: Yes, sir. Yes. It 16 would be. You can pick craft number 20, for 17 example. If there were four responses and not 18 three, it would still follow within the -- on that 19 range of having two options there. If it went to 20 five, you would only -- it would drop back to 21 having only the option of the survey rate.</p> <p>22 MR. CRABTREE: Is that what we've 23 been doing? I was thinking if it was four then it 24 went with --</p> <p>25 MR. HERROD: No, sir. If you look</p>
<p style="text-align: right;">Page 16</p> <p>1 at the very bottom, on the second page, Rule 2 0800-03-02 --</p> <p>3 MR. CRABTREE: Okay. It's just 4 that -- I'm just not remembering it right.</p> <p>5 MR. HERROD: Okay. All right. Are 6 there any other questions? You can ask anything 7 anytime you want to. We can kind of get going on 8 this and see if it makes.</p> <p>9 Craft Number 1 is a blaster. Last 10 year, the 2020 prevailing wage rate was set at 11 \$23.03. That was a new position or a renaming of 12 one, and so that was set at the 6 percent of the 13 2019. The survey rate for this year, we only had 14 one response. We checked that with the 15 contractor, paying 27.11. So it was a 17 percent 16 increase. So you have two options here. You 17 have -- you can go with the base rate, the 18 prevailing wage rate from last year, or you can go 19 with the new survey rate plus or minus. I assumed 20 that you would want to go with the prevailing wage 21 rate from last year and perhaps add 5.1 percent. 22 It's strictly up to you. But in Columns 7 through 23 10 on your sheet, you have the min and max for 24 each option that's possible.</p> <p>25 I propose the prevailing wage for</p>	<p style="text-align: right;">Page 17</p> <p>1 this coming year of \$24.20. That's based upon 2 last year's rate plus or minus the overall 3 increase of 5.1 percent. It's your choice on what 4 you would rather do there, but that is kind of 5 what we ended up doing last year. So the new 6 prevailing wage, if you approve, would go to 7 \$24.20. That would be an overall increase of 8 5.1 percent from last year.</p> <p>9 MR. CRABTREE: I move that we 10 approve the \$24.20.</p> <p>11 CHAIRMAN MCCORD: We're just in 12 discussion right now, so I think we're going to 13 approve these all together. But yeah, I think 14 what Tom would need is a "We're good with that; we 15 can move on."</p> <p>16 MR. CRABTREE: We can move on.</p> <p>17 CHAIRMAN MCCORD: If there's any 18 discussion that needs to happen as we move through 19 these one at a time, and then we'll approve them 20 all at the end if that suits --</p> <p>21 MR. CRABTREE: I'll withdraw the 22 motion.</p> <p>23 CHAIRMAN MCCORD: Okay. Motion 24 withdrawn. Yes, sir.</p> <p>25 MR. HERROD: Craft Number 2 is a</p>

<p style="text-align: right;">Page 18</p> <p>1 bricklayer. There were no responses. Last year's 2 rate was \$16.60. We can -- we only have the 3 option of 6 percent either side of the \$16.60 or 4 we can leave it at \$16.60, or we can move it up 5 6 percent or down 6 percent, or we can adjust up 6 the overall 5.1 percent. I had proposed the 7 5.1 percent increase, which will take it to 8 \$17.45, and which would satisfy -- validate within 9 the range of our acceptable limits.</p> <p>10 Are you good?</p> <p>11 MR. WRIGHT: I'm good.</p> <p>12 CHAIRMAN MCCORD: Tom, I think what 13 we'll do is you talk through your proposal, and if 14 anybody is not good, they'll let you know they're 15 not good, and otherwise, we'll just move on.</p> <p>16 MR. HERROD: Thank you, sir.</p> <p>17 Craft Number 3, Carpenter/ 18 Leadsperson, we had 88 responses, a good response. 19 The overall -- that was a 2.65 percent increase 20 from the previous year. So this year's proposal, 21 since we increased it 2.65 over last year with the 22 responses, the base would be the \$20.94, which is 23 the survey rate, and we would increase that 24 slightly to get it up to the overall increase of 25 5.1 percent. So the new prevailing wage rate</p>	<p style="text-align: right;">Page 19</p> <p>1 would be \$21.44.</p> <p>2 Any disagreements?</p> <p>3 (No verbal response.)</p> <p>4 MR. HERROD: Craft Number 4, Class 5 A Operators, we had 116. The same situation here, 6 we had an overall increase of 4.85 percent, which 7 was roughly equivalent to the overall increase for 8 all the crafts. That puts it -- if we were to 9 increase it slightly, just take that base and move 10 it up just a little bit more to get it to the 5.1, 11 the new prevailing wage would be \$23.42. So we 12 would increase the prevailing wage from the 13 previous year from \$22.29 to \$23.42.</p> <p>14 Any discussion there?</p> <p>15 (No verbal response.)</p> <p>16 MR. HERROD: Okay. Craft Number 5, 17 Class B Operators, 122 responses. The survey rate 18 was 3.64 percent above the prevailing wage rate 19 for 2020. If we increase it, here again, just 20 slightly to get it up to the 5.1 percent overall 21 increase that we've had, it would take the rate up 22 to \$20.89. We would move from \$19.88 to \$20.89.</p> <p>23 Any discussion there?</p> <p>24 (No verbal response.)</p> <p>25 MR. HERROD: Moving on to Craft</p>
<p style="text-align: right;">Page 20</p> <p>1 Number 6, Class C Operators, 133 responses. The 2 survey rate was a 5.5 percent increase over the 3 previous year. If we move it to the 5.1 percent, 4 you will see you'll have to move it down 5 0.4 percent from the survey rate. We can leave it 6 at the survey rate, or we can move it up or we can 7 move it down. I had proposed that we just take it 8 down to an overall 5.1 percent which would make it 9 \$21.72, moving from \$20.66 to \$21.72.</p> <p>10 MS. MCGAURAN: I just have a 11 question for that. And I certainly would welcome 12 what Scott and Stephen have to say about this. 13 But I guess when you have 133 responses, saying 14 the prevailing wage is less than the average of 15 those 133 responses gives me some concern. Are 16 you guys comfortable with that?</p> <p>17 MR. WRIGHT: I can only speak for 18 myself. We're under wage pressure every day. 19 That represents what you can hire people for. 20 I've personally favored raising them a little bit 21 more.</p> <p>22 MS. MCGAURAN: Raising it up as 23 opposed to --</p> <p>24 MR. WRIGHT: That's just -- yeah. 25 That only speaks for me. But it is difficult to</p>	<p style="text-align: right;">Page 21</p> <p>1 compete in the market with the prevailing wage.</p> <p>2 MS. MCGAURAN: Yeah. I think it -- 3 I have a challenge with that many responses of 4 having our new prevailing wage lower than the 5 average of those responses.</p> <p>6 MR. HERROD: Okay. So you're 7 proposing that we take it up to the survey rate of 8 \$21.81?</p> <p>9 MS. MCGAURAN: I would say, yes, at 10 least. I guess that's what I'm looking for, 11 thoughts, you know.</p> <p>12 Wayburn, do you have any?</p> <p>13 MR. CRABTREE: If we're going to 14 deviate from what we are doing here, then we need 15 to draw a new line. You say because there are 16 133. What if there were 125? Would you say the 17 same thing? Or if there were 89, would you say 18 the same thing? I guess what I'm quibbling about 19 is if we're making a new standard here, where are 20 we going to draw the line between the 5.1 and the 21 survey rate?</p> <p>22 MS. MCGAURAN: Well, I mean, I 23 think anytime you have what is considered to be a, 24 you know, considerable number of responses, a 25 market rate number of responses -- so certainly,</p>

<p style="text-align: right;">Page 22</p> <p>1 anything in the top 5 percent of our responses, 2 you know -- it seems like anything in this case 3 that would be kind of over the 100 responses is 4 probably something we should look at, whether we 5 should go with what people are actually paying. 6 Because I think that's what --</p> <p>7 MR. CRABTREE: So a hundred?</p> <p>8 MS. MCGAURAN: That's my concern.</p> <p>9 MR. CRABTREE: I just want to make 10 sure that we're consistent with it.</p> <p>11 MS. MCGAURAN: Yes.</p> <p>12 MR. WRIGHT: Y'all are talking 13 about 0.09 an hour. I will tell you this: The 14 thing that -- Tennessee, we work in about five or 15 six states. Tennessee has the only prevailing 16 wage rate that even ever comes into play. These 17 operators that we're paying \$18, \$19, \$20, \$21, 18 \$23, if you go to Alabama, that's an \$8 rate. 19 Nobody pays that scale. So keeping it up and 20 current is one of the reasons that the 21 Tennessee -- they have tried to stay in this 22 because it does make us have a valid scale and it 23 keeps away other influences, for a better way of 24 saying it.</p> <p>25 So I do think some reasonable</p>	<p style="text-align: right;">Page 23</p> <p>1 adjustment is here year to year -- year over year, 2 and if that's a little bit more than what the 3 prevailing wage rate says, it's okay with me.</p> <p>4 MR. THOMPSON: I mean, I would 5 agree. I mean, if we try and attract talent and 6 bring them in, we have to -- we've got to stay 7 with a -- I call it a wage in which your operators 8 can provide for their families and, you know, when 9 you look at what we're paying versus what somebody 10 is in a factory, I mean, I look at those. I mean, 11 I look at what Amazon is doing. I look at what 12 those people are doing, because we don't need to 13 lose skills to those people. So to me, these 14 numbers are -- I mean, you know, we pay above 15 this.</p> <p>16 MR. WRIGHT: If you try to hire a 17 crane operator out of Atlanta, he will not talk to 18 you for \$25 an hour.</p> <p>19 MR. HERROD: Well, since we're only 20 talking 0.09, we can move it to the 5.5 percent 21 and still be good. We will take it to what the 22 survey rate is since we have quite a few responses 23 here. \$21.81, is that good?</p> <p>24 MS. MCGAURAN: Yes. I mean, I 25 think that's the minimum in my mind.</p>
<p style="text-align: right;">Page 24</p> <p>1 CHAIRMAN MCCORD: And so, if I may, 2 I do like the consistency, too. So if there's a 3 high survey participation -- and we've defined 4 that as a hundred -- and it's below the rate 5 that's been surveyed, then we ought to move it to 6 the minimum survey. So I think that gives us 7 consistency as we go forward. Because there's a 8 few more like that as we go down.</p> <p>9 MS. MCGAURAN: Yeah.</p> <p>10 MR. BAILEY: Your very next one 11 is --</p> <p>12 MS. MCGAURAN: Thank you, 13 Commissioner.</p> <p>14 MR. HERROD: Yes. The next one is 15 a good example. We have Class D operators. We 16 had 171 responses. The survey rate was 17 6.1 percent over last year's prevailing wage rate. 18 If we keep the prevailing wage rate, I had put in 19 a proposal of \$20.16 versus the \$20.35. I mean, 20 we can certainly keep it at the \$20.35 to be 21 consistent of what we did in the previous class. 22 So we'll do that, \$20.35.</p> <p>23 MS. MCGAURAN: Yes. That would be 24 my preference.</p> <p>25 CHAIRMAN MCCORD: That makes a lot</p>	<p style="text-align: right;">Page 25</p> <p>1 of sense.</p> <p>2 MR. HERROD: All right. Concrete 3 Finisher is Number 8. It had 30 responses. Now, 4 it was 6.61 percent increase, slightly above the 5 6 percent. I have that highlighted. If we were 6 to adjust that back down to 5.1 percent, it would 7 be \$19.32 versus the \$19.60 survey rate. We can 8 keep it at the \$19.60 and still be within range, 9 or we can move it down slightly or move it up. 10 You can see that the survey rate Option 1 can go 11 from \$18.49 to \$20.70. So if we --</p> <p>12 MR. WRIGHT: I would propose we be 13 consistent with the previous two.</p> <p>14 MR. HERROD: Okay. \$19.60 is the 15 new rate there.</p> <p>16 Drill Operator, there were no 17 responses. Last year, the rate was \$34.55. We 18 have an option here of keeping it at last year's 19 rate, or going up 6 percent of last year's rate. 20 I chose to -- or put in a proposal of 5.1 percent 21 increase, which would take it to 36.31.</p> <p>22 This falls back into a different 23 category of a very minimum number of responses. 24 So the proposal is \$36.31. Any problems with 25 that?</p>

<p style="text-align: right;">Page 26</p> <p>1 MS. MCGAURAN: No.</p> <p>2 MR. HERROD: Electrician,</p> <p>3 Number 10, has ten responses, so we had an</p> <p>4 increase of 5.91 percent, which would make it</p> <p>5 slightly above the overall increase. I have here</p> <p>6 a slight -- taking that down some, adjusting it</p> <p>7 back down, or we can leave it at the \$34.79 and</p> <p>8 stay within our ranges there.</p> <p>9 CHAIRMAN MCCORD: That's what I</p> <p>10 would say to do.</p> <p>11 MR. HERROD: Okay. So we'll take</p> <p>12 it at \$34.79 --</p> <p>13 CHAIRMAN MCCORD: Let me say this,</p> <p>14 too, because I think we have a definition of what</p> <p>15 is enough responses in the statute. And it's over</p> <p>16 four. I mean, that's when we start treating</p> <p>17 everything -- we don't treat them -- we treat them</p> <p>18 differently if they're at four or under. And over</p> <p>19 four, we treat them market rate. And we don't go</p> <p>20 backwards, so I think that should give us some</p> <p>21 consistency, too, when we look at how many</p> <p>22 responses. This one had ten, over four, and so</p> <p>23 let's keep it where it is.</p> <p>24 MS. MCGAURAN: Okay.</p> <p>25 MR. THOMPSON: A hundred didn't</p>	<p style="text-align: right;">Page 27</p> <p>1 last long.</p> <p>2 CHAIRMAN MCCORD: Yeah, a hundred</p> <p>3 didn't last very long. But this is a solid reason</p> <p>4 to have that because it's in the statute. That's</p> <p>5 what we do.</p> <p>6 MR. CRABTREE: I didn't have an</p> <p>7 objection. I just wanted to be arbitrary.</p> <p>8 CHAIRMAN MCCORD: Arbitrary.</p> <p>9 Exactly. I'm with you.</p> <p>10 MR. HERROD: Craft Number 11, we</p> <p>11 had 17 responses. We had an overall increase of</p> <p>12 4.1 percent from last year. If we take it up</p> <p>13 to -- since it was 4.1 percent, move it up to the</p> <p>14 5.1 percent, we end up at \$16.52, slightly over</p> <p>15 what the survey rate is but consistent at \$16.52.</p> <p>16 Number 12 is Ironworkers Reinforcing.</p> <p>17 We had only two responses. Here you have two</p> <p>18 options. Since the survey rate was fairly close</p> <p>19 to the previous rate with just a slight increase,</p> <p>20 a half a percent, this is -- I think we can</p> <p>21 satisfy either one by going up 5.1 percent from</p> <p>22 the prevailing wage last year, and it would be at</p> <p>23 \$19.93, which would satisfy that one to four</p> <p>24 range.</p> <p>25 On 13, we had the one response. It</p>
<p style="text-align: right;">Page 28</p> <p>1 was slightly above the previous year's prevailing</p> <p>2 wage. Same thing here as in the previous one. I</p> <p>3 propose that we take that to \$20.67, which would</p> <p>4 be a 5.1 percent increase over last year's</p> <p>5 prevailing wage.</p> <p>6 Number 14 is a Large Crane Operator.</p> <p>7 We had a significant number of responses, 43.</p> <p>8 Here we had an overall increase of 7.62 percent,</p> <p>9 so we have to fall within the Survey Rate Option</p> <p>10 Number 1. The proposed rate here was a slight</p> <p>11 decrease from the survey rate to get us back down.</p> <p>12 But as we discussed, we can keep it at the survey</p> <p>13 rate, since it was higher than this number, and be</p> <p>14 consistent with what we did before.</p> <p>15 Item Number 15 is the Mechanic, 36</p> <p>16 responses, an overall increase of 3.28 percent.</p> <p>17 By taking it up to get it to the 5.1 percent, the</p> <p>18 new prevailing wage rate would be \$26.26. That</p> <p>19 would be consistent with what we've done.</p> <p>20 On the back page here, Craft</p> <p>21 Number 16, we had 34 responses. We had a little</p> <p>22 over 12 percent increase on this one. So our</p> <p>23 options are, obviously, only around the survey</p> <p>24 rate, and we can keep it at the survey rate, which</p> <p>25 would be consistent with what we did when we had</p>	<p style="text-align: right;">Page 29</p> <p>1 an extraordinarily -- over 6 percent increase, and</p> <p>2 keep it at the 24 rate. If we want to move it</p> <p>3 back down the scale to get it to where it's closer</p> <p>4 to the 5.1 percent increase, we'll never get it</p> <p>5 there because we have limitations if we have to go</p> <p>6 down to \$23.47. So we can keep it at the \$24.80</p> <p>7 and be consistent with what we've done in the</p> <p>8 other ones.</p> <p>9 MR. CRABTREE: Yes.</p> <p>10 MS. MCGAURAN: Yes.</p> <p>11 MR. HERROD: Number 17, zero</p> <p>12 responses, so we can move that rate, \$30.69, up</p> <p>13 5.1 percent to \$32.26. That would be consistent</p> <p>14 with what we had before.</p> <p>15 Number 18, we had quite a few Skilled</p> <p>16 Laborer responses, 253. That moved up 5 percent,</p> <p>17 a little over 5 percent. By moving it up just a</p> <p>18 little bit more, since we're below the 5.1, we</p> <p>19 would get the \$18.76.</p> <p>20 Item Number 19, six responses. This</p> <p>21 one decreased 5.26 percent with \$25.06. We can</p> <p>22 take that rate -- since it is a survey rate, we</p> <p>23 have to -- our guideline is we have to use that</p> <p>24 survey rate. We go up as much as 6 percent over</p> <p>25 the previous year's prevailing wage. I suggest we</p>

<p style="text-align: right;">Page 30</p> <p>1 do that. That would get us up to \$26.06. 2 CHAIRMAN MCCORD: \$26.64. 3 MR. HERROD: I'm sorry. Yes. 4 \$26.64. 5 All right. Item Number 20, only 6 three responses, so we have two options here. 7 This one was skewed by one contractor, and we 8 verified that that was the rate that the 9 contractor was paying. It went up 64 percent. 10 Survey rate was \$30. Last year's rate was \$18.27. 11 I chose to take the \$18.27 and move it up 12 5.1 percent to \$19.20 since there were three. Is 13 that satisfactory? 14 MS. MCGAURAN: I think so, because 15 it's below our four threshold. 16 MR. HERROD: Item 21, 61 responses 17 for an overall increase of 8.62 percent. If we 18 are consistent with what we've been doing, our 19 proposal is that the \$18.80 would be changed to 20 \$19.42. 21 Item Number 22, I've had 123 22 responses with an overall increase, right on it, 23 5.11 percent, so we would keep -- the survey rate 24 would match what the proposal is, \$18.25 and 25 achieve the 5.1 percent.</p>	<p style="text-align: right;">Page 31</p> <p>1 Item 23, Truck Driver, 94, with an 2 overall increase of 9.15 percent. In keeping with 3 what we've done before, we would not use the 4 proposed rate of \$20.56, but would go with the 5 \$21.36. 6 Item 24, Unskilled Laborer, overall 7 increase of 6.09 percent. Based on what we've 8 done, we will keep it at the \$16.26 versus what I 9 had at \$16.11. 10 And 25, 19 responses for an overall 11 increase there of 11.55 percent. In keeping with 12 what we've done, the proposed that I had there of 13 \$20.75 would be changed to \$21.93, which would be 14 the survey rate. 15 MS. MCGAURAN: One question. 16 Number 19, would you explain that one again? I 17 think what was a little different and I'm not sure 18 I really understood it. Sorry. 19 MR. HERROD: Okay. For that one, 20 we went down -- we had six responses and it went 21 down 5.26 percent from the last year. We have to 22 use the survey rate for that, not last year's 23 prevailing wage. So we're restricted to those min 24 and maxes. 25 MS. MCGAURAN: Okay.</p>
<p style="text-align: right;">Page 32</p> <p>1 MR. HERROD: So we stayed with the 2 \$26.64. The reason is -- I have that at six, we 3 took it up to the max to match, to get as high as 4 we possibly can, even though it was only slightly 5 above the previous -- now, we can keep it at 6 the -- 7 MS. MCGAURAN: So the only other 8 option would be whether we wanted to keep it at 9 the current prevailing wage, or -- 10 MR. HERROD: Right. We could keep 11 it at \$26.45. 12 MS. MCGAURAN: Okay. 13 MR. CRABTREE: I'm calculating 14 \$26.56 there at 6 percent. 15 MR. HERROD: At 6 percent -- well, 16 okay. I don't have my calculator. 17 MR. CRABTREE: \$25.06. 18 MR. HERROD: We have -- 19 MR. CRABTREE: It's \$25.06, right? 20 MR. HERROD: Yes. Survey rate was 21 \$25.06. Last year's rate, \$26.45. It went down. 22 I don't think that we -- based on what we've done 23 in the past, we don't want to go down. We want to 24 stay around that \$26.45. My suggestion was to 25 take it up to the max that we could get it to</p>	<p style="text-align: right;">Page 33</p> <p>1 \$26.64. We can take it down a little bit to the 2 \$26.45, but that would match last year's 3 prevailing wage. I assume you want to take it up 4 a little bit from last year's prevailing wage. 5 It's only a few pennies but it would be an 6 increase. 7 MR. CRABTREE: I'm just not 8 calculating the same thing as you are. 9 MS. MCGAURAN: Yeah, I agree with 10 Wayburn. I don't think the 6 percent calculation 11 is correct. 12 CHAIRMAN MCCORD: I don't think 13 they're arguing with the 6 percent. I think it's 14 that an additional 6 percent of \$25.06 comes out 15 to a different number. 16 MR. HERROD: Well, I may have to -- 17 my brain is not working as fast as yours right 18 now, so I'll have to defer. But all I'm saying 19 is -- 20 MS. MCGAURAN: So Assistant 21 Commissioner, the calculator is on the screen. 22 She did it. Jan did it so you can see it up on 23 the screen, what it calculates to. 24 CHAIRMAN MCCORD: So it's \$26.56. 25 MR. HERROD: Okay. So that would</p>

<p style="text-align: right;">Page 34</p> <p>1 be a -- okay. That would be a -- I can do that. 2 That's a 0.09-an-hour raise. So I was just 3 suggesting we go the max range that we could, 4 taking it up to \$26.64 versus \$26.45. 5 CHAIRMAN MCCORD: So let me say 6 this: So the max we can take it up to is 7 6 percent, right? 8 MR. HERROD: Yes. 9 CHAIRMAN MCCORD: And an additional 10 6 percent of \$25.06 is \$25.56. 11 MR. HERROD: Okay. 12 CHAIRMAN MCCORD: That's the math 13 though our principle was exactly right. 14 MR. HERROD: We have to go back and 15 call Excel about their math. 16 CHAIRMAN MCCORD: I think Dan just 17 called Excel for you. 18 MR. HERROD: Okay. I stand 19 corrected. 20 All right. We had one glitch there 21 but we've fixed that, \$26.56. 22 MR. THOMPSON: The one I've got a 23 question about is the Worksite Traffic 24 Coordinator. I think that that's a position 25 that's being filled differently as we're evolving</p>	<p style="text-align: right;">Page 35</p> <p>1 with our safety and traffic control programs. And 2 so, I don't know, Steve, if you can throw your two 3 cents in, or Wayburn, but I think we're putting 4 different people in those positions than we were 5 five years ago, and I think that's what's causing 6 some of these jumps or a signature jump. 7 MR. WRIGHT: It's your single 8 biggest liability on the project today, is the 9 person that puts those barrels out and maintains 10 them. And I've got a loss that I can't talk 11 about, but it's ugly. A highly skilled person in 12 this position would have made a difference. 13 MR. THOMPSON: I mean, used to, 14 this might be filled by somebody who is on the 15 crew who's coordinating putting them out; and now 16 this is a foreman position that's doing this. So 17 that's the reason why I think that you saw a jump 18 like you did. And I guess I'm kind of making 19 the -- I think it needs to be a topic of 20 discussion that it's more than 6 percent. 21 MS. MCGAURAN: So which person are 22 we talking to? 23 MR. CRABTREE: Are we supposed to 24 use the foreman? 25 MR. THOMPSON: It will 25.</p>
<p style="text-align: right;">Page 36</p> <p>1 MR. WRIGHT: No, what I'm saying -- 2 THE REPORTER: Excuse me. Can 3 Mr. Crabtree turn on his microphone, please? It's 4 hard with your mask, so if you can turn your 5 microphone on. Thank you. 6 MS. MCGAURAN: Which craft number 7 are we talking about? 8 CHAIRMAN MCCORD: 25. 9 MR. WRIGHT: And I have always 10 continued to be confused by how Crafts 21, 22, and 11 23 shake out the way they do. Do you have access 12 to the manhour data, Janet, for these? 13 MS. CAUDILL: I do. Right this 14 moment? 15 MR. WRIGHT: Yes. 16 MS. CAUDILL: No. 17 MR. WRIGHT: I would love to see 18 what the -- 19 MR. HERROD: It's in Tab Number 24. 20 Which one do you want? 21 MR. WRIGHT: Crafts 21, 22, and 23. 22 MR. HERROD: There's 21. You go 23 down to the bottom and it should be -- I hope 24 it's -- 25 MR. WRIGHT: Because I don't</p>	<p style="text-align: right;">Page 37</p> <p>1 know -- the one that puzzles me the most is 2 Craft 20, because I don't even know which -- would 3 that be an off-road -- Scott, what do you think? 4 Would that be an off-road -- 5 MR. STARWALT: It's inside page 1. 6 MR. WRIGHT: It's 30,000 manhours 7 for Craft 22, 10,000 for 21, and 8,000 for 23. So 8 the -- I would think that the Craft 22 is all the 9 articulated trucks that are operating over the 10 state now. Because over the last decade or two, 11 you don't see near as many of the big, off-road, 12 what they used to call a "Euc," you know, a big 13 rock truck. And everybody is using these 14 articulated trucks, and that somewhat gets treated 15 like an entry-level position because it's an 16 hourly position. So I guess it's right. And 17 five-axle trucks would be low -- 18 MR. THOMPSON: That's what it is. 19 MR. WRIGHT: So what is the 20 two-axle truck? 21 MR. THOMPSON: That's what -- I 22 mean, I really -- I mean, I actually -- I really 23 don't -- I mean, I don't know what they -- I mean, 24 because it could be an off-road truck, but it 25 could also be a pickup truck.</p>

<p style="text-align: right;">Page 38</p> <p>1 MR. WRIGHT: I don't know that any 2 of you-all have answers. I guess I'm debating 3 with myself. I just don't -- you know, it looks 4 like these could be more consistent somehow. 5 CHAIRMAN MCCORD: And let me go 6 back to the Worksite Traffic Coordinator. We did 7 go with the survey rate, which is 11.55 percent 8 higher than the rate before, so it's more than 9 just the 6 percent. 10 MR. THOMPSON: Well, I thought our 11 proposed was \$20.70. 12 MS. CAUDILL: \$20.75. 13 MR. THOMPSON: \$20.75. 14 MS. MCGAURAN: No. We've bumped it 15 up to the -- 16 CHAIRMAN MCCORD: Yeah. We've 17 bumped it to the survey rate. 18 MS. MCGAURAN: We've bumped it up 19 to the \$21.93. 20 MR. THOMPSON: Okay. I'm sorry. 21 MR. CRABTREE: How did we get to 22 \$20.75? 23 MS. MCGAURAN: That's taking the -- 24 CHAIRMAN MCCORD: That -- 25 MR. HERROD: It's sliding it down</p>	<p style="text-align: right;">Page 39</p> <p>1 to match the 5.1 percent, if you can get there, to 2 stay within the -- 3 CHAIRMAN MCCORD: But given that we 4 were over four, and then we had a survey rate that 5 was different from that, we went with the survey 6 rate like we have for the rest of them. 7 So any other discussion here? I'm 8 going to take a minute, very quickly, while you 9 think about whether you do. And thank you for 10 being here, first of all, taking the time to do 11 this. I know everybody has other jobs, and we're 12 not making you rich by coming in here, so thank 13 you for that. It does feel good, even though 14 we're far apart, to be able to have a meeting in 15 person, as well, and so I appreciate, again, you 16 showing up and doing -- and being here. And I 17 know Tom does as well. 18 And if you think you know somebody 19 who is good at analysis, that person comes in 20 second to Tom, given the level of analysis that he 21 does, not just with this but with other things. 22 So with that preamble, any other discussion here? 23 MR. WRIGHT: I don't have any. I 24 would like to add, though, that we struggle as an 25 organization trying to -- you know, to -- I</p>
<p style="text-align: right;">Page 40</p> <p>1 encourage prevailing wages to go up to the 2 greatest extent that's reasonable and affordable. 3 I'm not trying to ruin TDOT's budget or anything 4 like that. But I know that we have an awful lot 5 of people who work for us. And if you're a 6 \$21-an-hour employee or \$20, that's \$800 a week on 7 a 40-hour week. You pay your 25 percent of that 8 to the government, that doesn't leave you a lot of 9 money. And we provide health insurance, but it's 10 still -- a significant part of the cost -- but it 11 still costs them \$200 a week if they have a 12 family. So that doesn't leave you but \$2- or \$300 13 to eat off of at the end of the day. 14 So the world we live in and the 15 providing of insurance makes -- or for them to pay 16 anything for insurance is a very, very difficult 17 thing. So, I guess, those of us -- which probably 18 everybody in this room that has their insurance 19 provided for them, really should appreciate that, 20 compared to the hourly worker working for \$20 an 21 hour. 22 CHAIRMAN MCCORD: Thank you for 23 that. 24 MS. MCGAURAN: And I don't think it 25 affects any of our numbers, but in the future, you</p>	<p style="text-align: right;">Page 41</p> <p>1 might want to check your 6 percent calculations, 2 because I think they messed up on every one on 3 this sheet for some reason. I don't know why. 4 But you're consistent. 5 MR. HERROD: I'll be glad -- I'll 6 tell you what I'll do. I'll go over that with you 7 since I spent three solid weeks working on this. 8 But I'll have to go back and talk to my 9 eighth-grade teacher. 10 CHAIRMAN MCCORD: Okay. So with 11 that discussion, it's time to see if we can get a 12 motion for approval on our prevailing wage rates 13 for this coming year, which is 2021. So do we 14 have a motion for approval? 15 MR. WRIGHT: I would move for 16 approval. 17 CHAIRMAN MCCORD: Is there a 18 second? 19 MR. THOMPSON: Second. 20 CHAIRMAN MCCORD: Any further 21 discussion? 22 MR. THOMPSON: Will we get an 23 updated... 24 MR. HERROD: Yes, sir. 25 CHAIRMAN MCCORD: So all those in</p>

<p style="text-align: right;">Page 42</p> <p>1 favor say "aye." 2 (Affirmative response.) 3 CHAIRMAN MCCORD: All those 4 opposed, like sign. 5 (No verbal response.) 6 CHAIRMAN MCCORD: So the motion 7 carries. 8 Thank you very, very much. And so, 9 Tom, I'll leave it to you and maybe Jan to talk 10 about the future dates for 2021. 11 MS. CAUDILL: I think the date we 12 were proposing was November 17. It's a Wednesday. 13 CHAIRMAN MCCORD: Does anybody know 14 what they're doing next year on Wednesday? 15 (No verbal response.) 16 CHAIRMAN MCCORD: So we will put 17 that out and then we'll -- if we need to adjust, 18 then we'll adjust it. That's right around the 19 same time. I'm hoping that we'll be in a whole 20 different world and environment by then, in terms 21 of -- at least in terms of the coronavirus. 22 Okay. With that, I guess I need a -- 23 oh, yeah. Does anybody have any comments from the 24 floor? 25 MR. STARWALT: Kent Starwalt,</p>	<p style="text-align: right;">Page 43</p> <p>1 Tennessee Road Builders Association. My question 2 is -- I think I had this question last year -- we 3 used to have two meetings. You would have this 4 meeting. You would then put the prevailing wage 5 rate out for potential comment, and then you would 6 come back in around the first of December or right 7 at the first of December, end of November, to 8 approve the rate. So my question is, is there a 9 comment period that's established out there for 10 people to comment on the rate, which they're 11 allowed to do so, before the wage rates are 12 approved? 13 CHAIRMAN MCCORD: So, Dan, do you 14 have an answer for that, or do we have an answer 15 for that? 16 MR. BAILEY: I don't have an answer 17 for it, no. 18 MS. CAUDILL: I think once they're 19 put out, don't they have an opportunity to contest 20 the rates, and then there has to be a hearing? 21 MR. BAILEY: Well, you can file a 22 petition for judicial review. They can file a 23 petition for judicial review if they protest the 24 rates, but I think what Kent is talking about is 25 an opportunity to come in and comment on the rates</p>
<p style="text-align: right;">Page 44</p> <p>1 prior to them going into effect. 2 Now, there's nothing in the statute 3 that requires that. I know it has been in 4 practice and what's been done every year except 5 last year, but there's nothing I see in the 6 statute that requires that. 7 CHAIRMAN MCCORD: And so what we'll 8 do, even though it's not a requirement, we'll have 9 a discussion about that going forward and seeing 10 if that's a process we want to go back to. 11 MR. STARWALT: And I don't know 12 that there will be comments. The point being is 13 that last year and this year is different. That 14 doesn't mean it's not right. It's just been 15 different than it's been the previous 23 years 16 that I know of. And that's the reason I ask the 17 question. 18 And I'm not asking to come to another 19 meeting. I know they're not asking to come to 20 another meeting. It's just different than what 21 has previously been done. 22 CHAIRMAN MCCORD: Understood. 23 MR. BAILEY: And, if I may, I think 24 once the statute was amended and the building 25 trades portion was taken out, I don't recall</p>	<p style="text-align: right;">Page 45</p> <p>1 anybody coming to that second meeting to comment. 2 Do you? 3 MR. STARWALT: I think you're 4 exactly right. That's why I'm saying. I'm not 5 advocating for it. I'm just simply saying that 6 we've gone away from what we used to do. Which I 7 hate that term, but that's -- and that's why I 8 wanted -- almost all our comment period previously 9 was when the building rates were established. 10 MR. BAILEY: Right. 11 MR. STARWALT: They were arguing 12 about regional rates. They argued about 13 everything that they could argue about. 14 MR. BAILEY: Right. 15 MR. STARWALT: And it was always 16 very nice, the opposite year we didn't have the 17 building, it was more like this. 18 CHAIRMAN MCCORD: Thank you, sir. 19 And let me do this, too, before we 20 ask for our motion to adjourn. Is there any other 21 comments from the floor? 22 (No verbal response.) 23 CHAIRMAN MCCORD: It seems to 24 indicate that there are probably not, but I did 25 need to ask that.</p>

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\$16.11 31:9	\$21.72 20:9	<hr/> 1 <hr/>	23 31:1 36:11,21 37:7 44:15
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\$16.60 18:2,3,4	\$22.29 19:13	10 16:23 26:3	253 29:16
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