**APPEARANCES:**

1. Commissioner Jeff McCord, Chairman
2. Commissioner Wayburn Crabtree, TDOT Designee
3. Ann McGauran, State Architect
4. Tennessee Department of Treasury
5. Scott Thompson, Industry Representative
6. Talley Construction Company
7. Stephen Wright, Industry Representative
8. Wright Brothers Construction
9. Dan Bailey, Legal Counsel
10. Tom Herrod, Assistant Commissioner
11. Kenneth Neely, Director
12. Jan Caudill, Administrative Assistant
13. Also Present: Kent D. Starwalt
   Tennessee Road Builders Association

**AGENDA**

1. Call to Order and Roll Call
2. II. Announcements
3. III. Conflict of Interest Declaration
4. IV. Adoption of Agenda
5. V. Old Business
   * Review and approve November 13, 2019 Prevailing Wage Commission Meeting Minutes prepared by the Labor Standards Unit
6. VI. New Business
   * Set rates for 2021 Prevailing Wage for State Highway Construction Projects
7. VII. Discuss future Prevailing Wage meeting dates for 2020 (if necessary).
   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
8. VIII. Adjournment

**CHAIRMAN MCCORD:** I call the meeting to order of the Prevailing Wage Commission. We'll start with a roll call.

For the record, Wayburn Crabtree?

MR. CRABTREE: Present.

CHAIRMAN MCCORD: Ann McGauran?

MS. MCGAURAN: Present.

CHAIRMAN MCCORD: Scott Thompson?

MR. THOMPSON: Present.

CHAIRMAN MCCORD: Stephen Wright?

MR. WRIGHT: Present.

CHAIRMAN MCCORD: And I, of course, am present, too, Jeff McCord.

We'll start with some announcements.

Let me say this first: As part of making a motion and approving a motion, which we'll have to do several times today, please note that if you have a conflict of interest, as you do that, to disclose that before you make the motion so that we know that there is a conflict of interest. And me announcing this now will keep us from having to do that every single time. So we'll do that at the outset.

Other than that, in the event of an emergency, we have staff -- can you raise your hands, staff? -- will help lead you to the appropriate exits and the appropriate gathering point outside in the case of an emergency. So just go to those folks if something were to happen, which we don't expect it to, and hopefully not.

But in terms of the conflict of interest declaration, all the forms, the conflict of interest forms, should be on file. And if you do not have those, please -- or have not turned those in or have them with you now, please see Jan and she can get those to the appropriate place for you.

So with that said, we're going to move right into the meeting with the adoption of the agenda. So that agenda was sent out to you earlier, and what we'll look for now is a motion to adopt the agenda.

MR. WRIGHT: I would move for adoption.

MR. THOMPSON: Second.

CHAIRMAN MCCORD: We've got a motion and a second. Any discussion?

(No verbal response.)
CHAIRMAN MCCORD: All those in favor of adoption, say "aye."

(Affirmative response.)

CHAIRMAN MCCORD: All those opposed, like sign.

(No verbal response.)

CHAIRMAN MCCORD: The motion carries.

Okay. We'll start with old business.

And that involves with the adoption or the approval of the minutes from last meeting, November 13. And once again, that was sent out earlier to you to review, so we'll be looking for a motion to approve those minutes.

MR. THOMPSON: So moved.

CHAIRMAN MCCORD: We have a first. Do we have a second?

MR. WRIGHT: Second.

CHAIRMAN MCCORD: Any discussion?

(No verbal response.)

CHAIRMAN MCCORD: All those in favor say "aye."

(Affirmative Response.)

CHAIRMAN MCCORD: All those opposed?

MR. WRIGHT: Second.

CHAIRMAN MCCORD: Any discussion?

(No verbal response.)

CHAIRMAN MCCORD: All those in favor say "aye."

(Affirmative Response.)

CHAIRMAN MCCORD: All those opposed?

MR. WRIGHT: Second.

CHAIRMAN MCCORD: Any discussion?

(No verbal response.)

CHAIRMAN MCCORD: That motion carries as well.

In terms of new business, we'll start that now with the discussion on the prevailing wage rates that we are currently proposing, and we'll turn that over to Tom to lead that discussion.

MR. HERROD: Thank you, Commissioner.

My name is Tom Herrod. I'm the assistant commissioner for workplace regulations and compliance. We have prepared the data from the responses that we got from the road construction contractors for the 2020 period of July, August, and September.

In front of you is an Excel spreadsheet, front and back. You will note that we had 1,654 responses with an overall increase of 5.1 percent change from last year. This is a weighted average.

One of the things I wanted to tell you, first of all, we had many more responses than what we have here. Based on the prevailing wage rates or the wages that they paid over the year of construction, if they did not meet that year's prevailing wage, those responses were filtered out. So there's several -- a few hundred like that, actually. Also, there were several that were not road construction projects. They were airport projects, and we filtered those out.

So what you have here are those responses for the years where the prevailing wage was within -- at or above the minimum wage, and they were actual road construction projects. They were airport projects, and we filtered those out.

MR. WRIGHT: If I might, that's right.

MR. WRIGHT: That doesn't include airport projects, Steve, that are funded with TDOT funds.

MR. CRABTREE: It was.

MR. WRIGHT: Okay.

MS. CAUDILL: It was questioned.

MR. CRABTREE: That's what I'm talking about for that particular year.

We had a another -- you don't see it in front of you, but there was a pivot table, if you're familiar with Excel, that had all the wages on it and the year for that particular year.
classification, that minimum wage classification.

MS. MCGAURAN: And the year was the
year the project started or the project ended?

MR. HERROD: Started.

MR. CRABTREE: If I understand what
you're saying, if the wage that was submitted
doesn't meet the prevailing wage rate for that
classification and for that year, you didn't count
it.

MR. HERROD: That's correct.

MR. CRABTREE: So what that means
is somewhere on the TDOT project, somebody is not
paid a correct wage.

MR. HERROD: That's another problem
that we're going to have to deal with. We're
going to have to look into that. Of course, we
only have a few weeks to get this together, so we
have to go back and check those companies and
see -- let them know if they did not -- there may
be some other things that we have to do as part of
either a violation that would have to be --

MR. CRABTREE: Well, if there's a
violation are you going to follow up on that?

MR. HERROD: Yes, sir. Yes, sir.

MR. CRABTREE: You're going to have

understand the rules and the law, any
classification that has zero responses, we have to
base the new prevailing wage on last year's
prevailing wage, 2020, plus or minus 6 percent
max. That's for zero responses.

Any classifications that are one to
four responses, you have two options. You can
base it upon the last year's prevailing wage
exclusively, or you can base it upon the survey
rate plus or minus 6 percent of last year's
prevailing wage.

So you will see on this color-coded
Column Number 3, the responses that had zero to
four responses, you will notice that you have a
couple of options out here as far as survey for a
prevailing wage. I've tried to color code this,
and if you're color blind, I apologize, but it's
the only way I can keep up with things when we
have this much data.

You'll see over right in the P -- in
the area called PW Calculator, Prevailing Wage
Calculator, the base rate is either the survey
rate or the 2020 prevailing wage rate. And I put
down that base rate assuming -- you can change it
if you like -- assuming that you would want to go

people scared to submit next year.

MR. HERROD: Well --

MR. CRABTREE: I think you should.
I think you should. I just didn't know if you
ever did that before.

MR. HERROD: Well, this is -- this
may be the first year that we've really delved
into the responses and gotten accurate results
that meet the --

MR. WRIGHT: It's the first time
I've heard --

MR. HERROD: -- meet the
standards -- I'm sorry?

MR. WRIGHT: It's the first time
I've heard the word "pivot table" at this meeting.

MR. HERROD: Well, it's the first
time I've used a pivot table. But that's outside
this commission meeting. But --

MR. CRABTREE: Can you share that
list? Can you give me that list?

MR. HERROD: Yes, sir. Anybody
that's interested in that spreadsheet, I'll be
glad to send it to you. Play with it all you
like.

Okay. Secondly, we had -- and as you

with the lesser of the two for those particular
years, if you have an option. We'll talk about
that in a minute.

Then over in the far right of that
prevailing wage calculator, whatever wage you
decide upon -- and you have a column that's blank
there that you can fill in -- it has to satisfy the
-- it has to be valid. In other words, one to
four, you have two options. And it either has to
satisfy the survey rate or the 2020 prevailing
rate.

For zero responses, it has to satisfy
the rule 2020 prevailing wage plus or minus
6 percent. For those that are five and above, you
have to go with the survey rate plus or minus
6 percent or the 2020 prevailing wage rate.

So as Ms. Caudill puts in the numbers
for us up here, that will color code change. If
we pick a number that's outside the range that's
valid, it will show up in red, so we have to redo
it. In the far, right-hand side, the last thing
I'm showing you here is the percent difference
between 2021 proposed, that I proposed, versus
last year's 2020 rate. Now, this is just a
proposal. And it's -- the 5.1 percent is based
upon the overall change. And you'll see that on
the -- if you turn it over, that's the overall
change from last year. And that's a weighted
average.

The way they do that calculation is
all the responses that came in, you get a weighted
average of the overall salary. And then they
apply last year's prevailing wage to those
salaries, if it was just strictly the minimum, the
prevailing wage, and they come up with an hourly
wage. And the difference is the number here,
5.1 percent.

There are some -- I have to tell you, there are some classifications on the second page
that are outside that have been skewed quite a bit
by a few responses. And so they appear in red in
Column 6. As we get to those, I can explain that
in better detail.

If it suits everyone, we can get
started going down the classifications and get
some momentum going and see if everybody agrees
with the process. This is exactly what we did
last year and it seemed to work well.

MR. CRABTREE: One more thing.
MR. HERROD: Yes?

at the very bottom, on the second page, Rule
0800-03-02 --

MR. CRABTREE: Okay. It's just
that -- I'm just not remembering it right.

MR. HERROD: Okay. All right. Are
there any other questions? You can ask anything
anytime you want to. We can kind of get going on
this and see if it makes.

Craft Number 1 is a blaster. Last
year, the 2020 prevailing wage rate was set at
$23.03. That was a new position or a renaming of
one, and so that was set at the 6 percent of the
2019. The survey rate for this year, we only had
one response. We checked that with the
contractor, paying 27.11. So it was a 17 percent
increase. So you have two options here. You
have -- you can go with the base rate, the
prevailing wage rate from last year, or you can go
with the new survey rate plus minus. I assumed
that you would want to go with the prevailing wage
rate from last year and perhaps add 5.1 percent.
It's strictly up to you. But in Columns 7 through
10 on your sheet, you have the min and max for
each option that's possible.
I propose the prevailing wage for

this coming year of $24.20. That's based upon
last year's rate plus or minus the overall
increase of 5.1 percent. It's your choice on what
you would rather do there, but that is kind of
what we ended up doing last year. So the new
prevailing wage, if you approve, would go to
$24.20. That would be an overall increase of
5.1 percent from last year.

MR. CRABTREE: I move that we
approve the $24.20.

CHAIRMAN MCCORD: We're just in
discussion right now, so I think what Tom would need is a "We're good with that; we
can move on."

MR. CRABTREE: We can move on.

CHAIRMAN MCCORD: If there's any
discussion that needs to happen as we move through
these one at a time, and then we'll approve them
all at the end if that suits --

MR. CRABTREE: I'll withdraw the
motion.

CHAIRMAN MCCORD: Okay. Motion
withdrawn. Yes, sir.

MR. HERROD: Craft Number 2 is a
bricklayer. There were no responses. Last year's rate was $16.60. We can -- we only have the option of 6 percent either side of the $16.60 or we can leave it at $16.60, or we can move it up 6 percent or down 6 percent, or we can adjust up the overall 5.1 percent. I had proposed the 5.1 percent increase, which will take it to $17.45, and which would satisfy -- validate within the range of our acceptable limits.

Are you good?

Mr. Wright: I'm good.

Chairman McCord: Tom, I think what we'll do is you talk through your proposal, and if anybody is not good, they'll let you know they're not good, and otherwise, we'll just move on.

Mr. Herrod: Thank you, sir.

Craft Number 3, Carpenter/Leadserson, we had 88 responses, a good response. The overall -- that was a 2.65 percent increase from the previous year. So this year's proposal, since we increased it 2.65 over last year with the responses, the base would be the $20.94, which is the survey rate, and we would increase that slightly to get it up to the overall increase of 5.1 percent. So the new prevailing wage rate would be $21.44.

Any disagreements?

(No verbal response.)

Mr. Herrod: Craft Number 4, Class A Operators, we had 116. The same situation here, we had an overall increase of 4.85 percent, which was roughly equivalent to the overall increase for all the crafts. That puts it -- if we were to increase it slightly, just take that base and move it up just a little bit more to get it to the 5.1, the new prevailing wage would be $23.42. So we would increase the prevailing wage from the previous year from $22.29 to $23.42.

Any discussion there?

(No verbal response.)

Mr. Herrod: Okay. Craft Number 5, Class B Operators, 122 responses. The survey rate was 3.64 percent above the prevailing wage rate for 2020. If we increase it, here again, just slightly to get it up to the 5.1 percent overall increase that we've had, it would take the rate up to $20.89. We would move from $22.29 to $20.89.

Any discussion there?

(No verbal response.)

Mr. Herrod: Moving on to Craft Number 6, Class C Operators, 133 responses. The survey rate was a 5.5 percent increase over the previous year. If we move it to the 5.1 percent, you will see you have to move it down 0.4 percent from the survey rate. We can leave it at the survey rate, or we can move it up or we can move it down. I had proposed that we just take it down to an overall 5.1 percent which would make it $21.72, moving from $20.66 to $21.72.

Ms. Mcgauran: I just have a question for that. And I certainly would welcome what Scott and Stephen have to say about this. But I guess when you have 133 responses, saying the prevailing wage is less than the average of those 133 responses gives me some concern. Are you guys comfortable with that?

Mr. Wright: I can only speak for myself. We're under wage pressure every day. That represents what you can hire people for. I've personally favored raising them a little bit more.

Ms. Mcgauran: Raising it up as opposed to --

Mr. Wright: That's just -- yeah.

That only speaks for me. But it is difficult to compete in the market with the prevailing wage.

Ms. Mcgauran: Yeah. I think it -- I have a challenge with that many responses of having our new prevailing wage lower than the average of those responses.

Mr. Herrod: Okay. So you're proposing that we take it up to the survey rate of $21.81?

Ms. Mcgauran: I would say, yes, at least. I guess that's what I'm looking for, thoughts, you know.

Wayburn, do you have any?

Mr. Crabtree: If we're going to deviate from what we are doing here, then we need to draw a new line. You say because there are 133. What if there were 125? Would you say the same thing? Or if there were 89, would you say the same thing? I guess what I'm quibbling about is if we're making a new standard here, where are we going to draw the line between the 5.1 and the survey rate?

Ms. Mcgauran: Well, I mean, I think anytime you have what is considered to be a, you know, considerable number of responses, a market rate number of responses -- so certainly,
anything in the top 5 percent of our responses,
you know -- it seems like anything in this case
that would be kind of over the 100 responses is
probably something we should look at, whether we
should go with what people are actually paying.
Because I think that's what --

MR. CRABTREE: So a hundred?

MS. MCGAURAN: That's my concern.

MR. CRABTREE: I just want to make
sure that we're consistent with it.

MS. MCGAURAN: Yes.

MR. WRIGHT: Y'all are talking
about 0.09 an hour. I will tell you this: The
thing that -- Tennessee, we work in about five or
six states. Tennessee has the only prevailing
wage rate that even ever comes into play. These
operators that we're paying $18, $19, $20, $21,
$23, if you go to Alabama, that's an $8 rate.
Nobody pays that scale. So keeping it up and
current is one of the reasons that the
Tennessee -- they have tried to stay in this
because it does make us have a valid scale and it
keeps away other influences, for a better way of
saying it.

So I do think some reasonable

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CHAIRMAN MCCORD: And so, if I may,
I do like the consistency, too. So if there's a
high survey participation -- and we've defined
that as a hundred -- and it's below the rate
that's been surveyed, then we ought to move it to
the minimum survey. So I think that gives us
consistency as we go forward. Because there's a
few more like that as we go down.

MS. MCGAURAN: Yeah.

MR. BAILEY: Your very next one
is --

MS. MCGAURAN: Thank you,

Commissioner.

MR. HERROD: Yes. The next one is
a good example. We have Class D operators. We
had 171 responses. The survey rate was
6.1 percent over last year's prevailing wage rate.
If we keep the prevailing wage rate, I had put in
a proposal of $20.16 versus the $20.35. I mean,
we can certainly keep it at the $20.35 to be
consistent of what we did in the previous class.
So we'll do that, $20.35.

MS. MCGAURAN: Yes. That would be
my preference.

CHAIRMAN MCCORD: That makes a lot

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adjustment is here year to year -- year over year,
and if that's a little bit more than what the
prevailing wage rate says, it's okay with me.

MR. THOMPSON: I mean, I would
agree. I mean, if we try and attract talent and
bring them in, we have to -- we've got to stay
with a -- I call it a wage in which your operators
can provide for their families and, you know, when
you look at what we're paying versus what somebody
is in a factory, I mean, I look at those. I mean,
I look at what Amazon is doing. I look at what
those people are doing, because we don't need to
lose skills to those people. So to me, these
numbers are -- I mean, you know, we pay above
this.

MR. WRIGHT: If you try to hire a
crane operator out of Atlanta, he will not talk to
you for $25 an hour.

MR. HERROD: Well, since we're only
talking 0.09, we can move it to the 5.5 percent
and still be good. We will take it to what the
survey rate is since we have quite a few responses
here. $21.81, is that good?

MS. MCGAURAN: Yes. I mean, I
think that's the minimum in my mind.

MR. WRIGHT: Concrete Finisher is Number 8. It had 30 responses. Now,
it was 6.61 percent increase, slightly above the
6 percent. I have that highlighted. If we were
to adjust that back down to 5.1 percent, it would
be $19.32 versus the $19.60 survey rate. We can
keep it at the $19.60 and still be within range,
or we can move it down slightly or move it up.
You can see that the survey rate Option 1 can go
from $18.49 to $20.70. So if we --

MR. WRIGHT: I would propose we be
consistent with the previous two.

MR. HERROD: Okay. $19.60 is the
new rate there.

MR. HERROD: Drill Operator, there were no
responses. Last year, the rate was $34.55. We
have an option here of keeping it at last year's
rate, or going up 6 percent of last year's rate.
I chose to -- or put in a proposal of 5.1 percent
increase, which would take it to 36.31.
This falls back into a different
category of a very minimum number of responses.
So the proposal is $36.31. Any problems with
that?
Number 10, has ten responses, so we had an increase of 5.91 percent, which would make it slightly above the overall increase. I have here a slight -- taking that down some, adjusting it back down, or we can leave it at the $34.79 and stay within our ranges there.

CHAIRMAN MCCORD: That's what I would say to do.

MR. HERROD: Okay. So we'll take it at $34.79 --

CHAIRMAN MCCORD: Let me say this, too, because I think we have a definition of what is enough responses in the statute. And it's over four. I mean, that's when we start treating everything -- we don't treat them -- we treat them differently if they're at four or under. And over four, we treat them market rate. And we don't go backwards, so I think that should give us some consistency, too, when we look at how many responses. This one had ten, over four, and so let's keep it where it is.

MS. MCGAURAN: Okay.

MR. THOMPSON: A hundred didn't last long.

CHAIRMAN MCCORD: Yeah, a hundred didn't last very long. But this is a solid reason to have that because it's in the statute. That's what we do.

MR. CRABTREE: I didn't have an objection. I just wanted to be arbitrary.

CHAIRMAN MCCORD: Arbitrary. Exactly. I'm with you.

MR. HERROD: Craft Number 11, we had 17 responses. We had an overall increase of 4.1 percent from last year. If we take it up to -- since it was 4.1 percent, move it up to the 5.1 percent, we end up at $16.52, slightly over what the survey rate is but consistent at $16.52.

Number 12 is Ironworkers Reinforcing. We had only two responses. Here you have two options. Since the survey rate was fairly close to the previous rate with just a slight increase, a half a percent, this is -- I think we can satisfy either one by going up 5.1 percent from the prevailing wage last year, and it would be at $19.93, which would satisfy that one to four range.

On 13, we had the one response. It was slightly above the previous year's prevailing wage. Same thing here as in the previous one. I propose that we take that to $20.67, which would be a 5.1 percent increase over last year's prevailing wage.

Number 14 is a Large Crane Operator. We had a significant number of responses, 43. Here we had an overall increase of 7.62 percent, so we have to fall within the Survey Rate Option 1. The proposed rate here was a slight decrease from the survey rate to get us back down. But as we discussed, we can keep it at the survey rate, since it was higher than this number, and be consistent with what we did before.

Item Number 15 is the Mechanic, 36 responses, an overall increase of 3.28 percent. By taking it up to get it to the 5.1 percent, the new prevailing wage rate would be $26.26. That would be consistent with what we've done.

On the back page here, Craft Number 16, we had 34 responses. We had a little over 12 percent increase on this one. So our options are, obviously, only around the survey rate, and we can keep it at the survey rate, which would be consistent with what we did when we had an extraordinarily -- over 6 percent increase, and keep it at the 24 rate. If we want to move it back down the scale to get it to where it's closer to the 5.1 percent increase, we'll never get it there because we have limitations if we have to go down to $23.47. So we can keep it at the $24.80 and be consistent with what we've done in the other ones.

MR. CRABTREE: Yes.

MS. MCGAURAN: Yes.

MR. HERROD: Number 17, zero responses, so we can move that rate, $30.69, up 5.1 percent to $32.26. That would be consistent with what we had before.

Number 18, we had quite a few Skilled Laborer responses, 253. That moved up 5 percent, a little over 5 percent. By moving it up just a little bit more, since we're below the 5.1, we would get the $18.76.

Item Number 19, six responses. This one decreased 5.26 percent with $25.06. We can take that rate -- since it is a survey rate, we have to -- our guideline is we have to use that survey rate. We go up as much as 6 percent over the previous year's prevailing wage. I suggest we...
do that. That would get us up to $26.06.

CHAIRMAN MCCORD: $26.64.

MR. HERROD: I'm sorry. Yes.

$26.64.

All right. Item Number 20, only three responses, so we have two options here. This one was skewed by one contractor, and we verified that that was the rate that the contractor was paying. It went up 64 percent. Survey rate was $30. Last year's rate was $18.27.

I chose to take the $18.27 and move it up 5.1 percent to $19.20 since there were three. Is that satisfactory?

MS. MCGAURAN: I think so, because it's below our four threshold.

MR. HERROD: Item 21, 61 responses for an overall increase of 8.62 percent. If we are consistent with what we've been doing, our proposal is that the $18.80 would be changed to $19.42.

Item Number 22, I've had 123 responses with an overall increase, right on it, 5.11 percent, so we would keep -- the survey rate would match what the proposal is, $18.25 and achieve the 5.1 percent.

MS. MCGAURAN: One question. Number 19, would you explain that one again? I think what was a little different and I'm not sure I really understood it. Sorry.

MR. HERROD: Okay. For that one, we went down -- we had six responses and it went down 5.26 percent from the last year. We have to use the survey rate for that, not last year's prevailing wage. So we're restricted to those min and maxes.

MS. MCGAURAN: Okay.

MR. HERROD: So we stayed with the $26.64. The reason is -- I have that at six, we took it up to the max to match, to get as high as we possibly can, even though it was only slightly above the previous -- now, we can keep it at the --

MS. MCGAURAN: So the only other option would be whether we wanted to keep it at the current prevailing wage, or --

MR. HERROD: Right. We could keep it at $26.45.

MS. MCGAURAN: Okay.

MR. CRABTREE: I'm calculating $26.56 there at 6 percent.

MR. HERROD: At 6 percent -- well, okay. I don't have my calculator.

MR. CRABTREE: $25.06.

MR. HERROD: We have --

MR. CRABTREE: It's $25.06, right?

MR. HERROD: Yes. Survey rate was $25.06. Last year's rate, $26.45. It went down. I don't think that we -- based on what we've done in the past, we don't want to go down. We want to stay around that $26.45. My suggestion was to take it up to the max that we could get it to $26.64. We can take it down a little bit to the $26.45, but that would match last year's prevailing wage. I assume you want to take it up a little bit from last year's prevailing wage. It's only a few pennies but it would be an increase.

MR. CRABTREE: I'm just not calculating the same thing as you are.

MS. MCGAURAN: Yeah, I agree with Wayburn. I don't think the 6 percent calculation is correct.

CHAIRMAN MCCORD: I don't think they're arguing with the 6 percent. I think it's that an additional 6 percent of $25.06 comes out to a different number.

MR. HERROD: Well, I may have to -- my brain is not working as fast as yours right now, so I'll have to defer. But all I'm saying is --

MS. MCGAURAN: So Assistant Commissioner, the calculator is on the screen. She did it. Jan did it so you can see it up on the screen, what it calculates to.

CHAIRMAN MCCORD: So it's $26.56.

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

CHAIRMAN MCCORD: And let me go back to the Worksite Traffic Coordinator. We did go with the survey rate, which is 11.55 percent higher than the rate before, so it's more than just the 6 percent.

MS. CAUDILL: $20.75.

MR. THOMPSON: $20.70.

MR. THOMPSON: $20.75.

MS. MCGAURAN: $21.93.

MR. CRABTREE: How did we get to $20.75?

MS. MCGAURAN: That's taking the --

CHAIRMAN MCCORD: Yeah. We've bumped it up to the survey rate.

MS. MCGAURAN: We've bumped it up to the $21.93.

MR. THOMPSON: Okay. I'm sorry.

MR. CRABTREE: How did we get to $20.75?

MS. MCGAURAN: That's taking the --

CHAIRMAN MCCORD: That --

MR. HERROD: It's sliding it down to match the 5.1 percent, if you can get there, to stay within the --

CHAIRMAN MCCORD: But given that we were over four, and then we had a survey rate that was different from that, we went with the survey rate like we have for the rest of them.

So any other discussion here? I'm going to take a minute, very quickly, while you think about whether you do. And thank you for being here, first of all, taking the time to do this. I know everybody has other jobs, and we're not making you rich by coming in here, so thank you for that. It does feel good, even though we're far apart, to be able to have a meeting in person, as well, and so I appreciate, again, you showing up and doing -- and being here. And I know Tom does as well.

And if you think you know somebody who is good at analysis, that person comes in second to Tom, given the level of analysis that he does, not just with this but with other things. So with that preamble, any other discussion here?

MR. WRIGHT: I don't have any. I would like to add, though, that we struggle as an organization trying to -- you know, to --

encourage prevailing wages to go up to the greatest extent that's reasonable and affordable. I'm not trying to ruin TDOT's budget or anything like that. But I know that we have an awful lot of people who work for us. And if you're a $21-an-hour employee or $20, that's $800 a week on a 40-hour week. You pay your 25 percent of that to the government, that doesn't leave you a lot of money. And we provide health insurance, but it's still -- a significant part of the cost -- but it still costs them $200 a week if they have a family. So that doesn't leave you but $2- or $300 to eat off of at the end of the day.

So the world we live in and the providing of insurance makes -- or for them to pay anything for insurance is a very, very difficult thing. So, I guess, those of us -- which probably everybody in this room that has their insurance provided for them, really should appreciate that, compared to the hourly worker working for $20 an hour.

CHAIRMAN MCCORD: Thank you for that.

MS. MCGAURAN: And I don't think it affects any of our numbers, but in the future, you might want to check your 6 percent calculations, because I think they messed up on every one on this sheet for some reason. I don't know why. But you're consistent.

MR. HERROD: I'll be glad -- I'll tell you what I'll do. I'll go over that with you since I spent three solid weeks working on this. But I'll have to go back and talk to my eighth-grade teacher.

CHAIRMAN MCCORD: Okay. So with that discussion, it's time to see if we can get a motion for approval on our prevailing wage rates for this coming year, which is 2021. So do we have a motion for approval?

MR. WRIGHT: I would move for approval.

CHAIRMAN MCCORD: Is there a second?

MR. THOMPSON: Second.

CHAIRMAN MCCORD: Any further discussion?

MR. THOMPSON: Will we get an updated...

MR. HERROD: Yes, sir.

CHAIRMAN MCCORD: So all those in
favor say "aye."

(Affirmative response.)

opposed, like sign.

(No verbal response.)

CHAIRMAN MCCORD: So the motion carries.

Thank you very, very much. And so, Tom, I'll leave it to you and maybe Jan to talk about the future dates for 2021.

MS. CAUDILL: I think the date we were proposing was November 17. It's a Wednesday.

CHAIRMAN MCCORD: Does anybody know what they're doing next year on Wednesday?

(No verbal response.)

CHAIRMAN MCCORD: So we will put that out and then we'll -- if we need to adjust, then we'll adjust it. That's right around the same time. I'm hoping that we'll be in a whole different world and environment by then, in terms of -- at least in terms of the coronavirus.

Okay. With that, I guess I need a -- oh, yeah. Does anybody have any comments from the floor?

MR. STARWALT: Kent Starwalt,

prior to them going into effect.

Now, there's nothing in the statute that requires that. I know it has been in practice and what's been done every year except last year, but there's nothing I see in the statute that requires that.

CHAIRMAN MCCORD: And so what we'll do, even though it's not a requirement, we'll have a discussion about that going forward and seeing if that's a process we want to go back to.

MR. STARWALT: And I don't know that there will be comments. The point being is that last year and this year is different. That doesn't mean it's not right. It's just been different than it's been the previous 23 years that I know of. And that's the reason I ask the question.

And I'm not asking to come to another meeting. I know they're not asking to come to another meeting. It's just different than what has previously been done.

CHAIRMAN MCCORD: Understood.

MR. BAILEY: And, if I may, I think once the statute was amended and the building trades portion was taken out, I don't recall...
What we need now is a motion to adjourn the meeting.

MS. MCGAURAN: I move to adjourn unless there's additional discussion.

MR. WRIGHT: Second.

CHAIRMAN MCCORD: We've got a motion and a second. Any discussion?

(No verbal response.)

CHAIRMAN MCCORD: So with that, all those in favor?

(Affirmative response.)

CHAIRMAN MCCORD: All those opposed?

(No verbal response.)

CHAIRMAN MCCORD: The meeting is adjourned.

END OF PROCEEDINGS.

CERTIFICATE
STATE OF TENNESSEE
COUNTY OF WILLIAMSON

I, Cassandra M. Beiling, a Notary Public in the State of Tennessee, do hereby certify:

That the within is a true and accurate transcript of the Prevailing Wage Commission Meeting taken on the 18th day of November, 2020. I further certify that I am not related to any of the parties to this action, by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of December, 2020.

[Signature]
Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/10/2024
| $16.11  | 31:9          |
| $16.26  | 31:8          |
| $16.52  | 27:14,15      |
| $16.60  | 18:2,3,4      |
| $17.45  | 18:8          |
| $18     | 22:17         |
| $18.25  | 30:24         |
| $18.27  | 30:10,11      |
| $18.49  | 25:11         |
| $18.76  | 29:19         |
| $18.80  | 30:19         |
| $19     | 22:17         |
| $19.20  | 30:12         |
| $19.32  | 25:7          |
| $19.42  | 30:20         |
| $19.60  | 25:7,8,14     |
| $19.88  | 19:22         |
| $19.93  | 27:23         |
| $2      | 40:12         |
| $2.00   | 31:13         |
| $2.58   | 31:13         |
| $2.66   | 20:9          |
| $2.67   | 28:3          |
| $2.70   | 25:11         |
| $2.75   | 38:11         |
| $2.89   | 19:22         |
| $2.94   | 18:22         |
| $3.00   | 40:10         |
| $3.22   | 29:13         |
| $3.45   | 25:17         |
| $3.79   | 26:7,12       |
| $3.81   | 25:24         |
| $8      | 22:18         |
| $9      | 30:10         |
| $60     | 30:00         |
| $800    | 30:00         |

| $21.44  | 19:1          |
| $21.72  | 20:9          |
| $21.81  | 23:23         |
| $21.93  | 31:13         |
| $22.29  | 19:13         |
| $23     | 22:18         |
| $23.03  | 16:11         |
| $23.42  | 19:11,13      |
| $23.47  | 29:6          |
| $24.20  | 17:1,7,10     |
| $24.80  | 29:6          |
| $25     | 23:18         |
| $25.06  | 31:17         |
| $25.56  | 34:10         |
| $26.06  | 30:1          |
| $26.26  | 28:18         |
| $26.45  | 32:12         |
| $26.56  | 32:14         |
| $26.64  | 30:2,4        |
| $30     | 30:10         |
| $30.69  | 29:12         |
| $300    | 40:12         |
| $32.26  | 29:13         |
| $34.55  | 25:17         |
| $34.79  | 26:7          |
| $36.31  | 25:24         |
| $8      | 22:18         |
| $800    | 40:6          |

| 0.09    | 22:13         |
| 0.09-an-hour | 34:2 |
| 0.4     | 20:5          | 0800-03-02 |
| 16:2    | 20:2          |

| 16:9    | 25:10         |
| 28:10   | 37:5          |
| 1,654   | 7:19          |
| 10      | 16:23         |
| 26:3    | 10,000        |
| 37:7    | 100           |
| 22:3    | 11            |
| 27:10   | 11            |
| 31:1    | 11,55         |
| 38:7    | 116           |
| 19:5    | 12            |
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| 16:15   | 17            |
| 27:11   | 19            |
| 29:10   | 20:1          |
| 13:15   | 21:16         |
| 2        | 21            |
| 10:23   | 22            |
| 37:6    | 23            |
| 31:1    | 31:13         |
| 17       | 34            |
| 36:31   | 36:31         |
| 25:21   | 36:31         |
| 40:6    | 40:0          |
| 0:00    | 40:00         |

| 0:00    | 0:00          |
| 17:25   | 2:65          |
| 18:19   | 20            |
| 15:16   | 2033          |
| 30:5    | 2033          |
| 37:2    | 2013          |
| 9:7     | 2019          |
| 10:13   | 2020          |
| 16:13   | 2020          |
| 7:15    | 2020          |
| 9:11    | 2020          |
| 12:4:23 | 2020          |
| 13:10   | 2021          |
| 13:16   | 2021          |
| 16:10   | 2021          |
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| 36:10   | 2021          |
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| 16:15   | 32:11         |
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| 13:15   | 32:11         |

| 12:13   | 3:28          |
| 18:17   | 3:64          |
| 28:16   | 30            |
| 25:3    | 30:000        |
| 37:6    | 34            |
| 28:21   | 36            |
| 28:15   | 36:31         |

| 3       | 36:31         |
| 25:21   | 36:31         |

| 4       | 4             |
| 19:4    | 4.1           |
| 27:12   | 4.85          |
| 13      | 40-hour       |
| 40:7    | 43            |
| 28:7    | 5             |

| 5       | 5             |
| 19:16   | 5.1           |
| 22:1    | 14:12         |
| 29:16   | 16:21         |
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