1	STATE OF TENNESSEE
2	DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT PREVAILING WAGE COMMISSION MEETING
3	
4	
5	
6	
7	
8	
9	
10	March 26, 2024
11	
12	
13	
1 4	
15	
16	
17	
18	ORIGINAL
19	
20	
21	
22	CASSANDRA M. BEILING, LCR# 371
23	STONE & GEORGE COURT REPORTING 2020 Fieldstone Parkway
2 4	Suite 900 - PMB 234 Franklin, Tennessee 37069
25	615.268.1244

```
1
    APPEARANCES:
 2
    Deputy Commissioner Dewayne Scott, Chairman
 3
    Gwendolyn Whittaker, 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 Co.
 8
    Chance Deason, Legal Counsel
 9
    Tom Herrod, Assistant Commissioner
10
    Jamie Diefenbach, Executive Admin. Asst. 3
11
    Rachel Tate, Admin. Services Asst. 4
12
    Tia Xixis, Chief of Staff
13
    Matthew Grove, Legislative Liaison
14
15
                    Kent D. Starwalt
    Also Present:
                    Tennessee Road Builders Association
16
17
18
19
20
2.1
22
23
2.4
25
```

4		ACTIVIDA
1		AGENDA
2	I.	Call to Order and Roll Call
3	II.	Introductions and Announcements
4		*Conflict of Interest Declarations
5		Completed forms for all members should be on file with the department
6	III.	Adoption of Agenda
7	IV.	Approval of Meeting Minutes and Transcripts
8		*November 20, 2023 *November 28, 2023
9		
10	V .	Review and Approve Revisions to Prevailing Wage Commission Rules
11	VI.	Announcements
12		Future Prevailing Wage Meeting Dates:
13		*September 12, 2024, at 1:30 p.m. *November 14, 2024, at 1:30 p.m.
14		*November 26, 2024, at 1:30 p.m.
15	77 T T	Adjournment
16	V 1 1 •	Adjournment
17		
18		
19		
2 0		
21		
22		
23		
2 4		
2 5		

1	* * * * * *
2	DEPUTY COMMISSIONER SCOTT: Okay.
3	We're going to call to order our Prevailing Wage
4	Commission Meeting for Tuesday, March 26, 2024.
5	My name is Dewayne Scott, Deputy
6	Commissioner. I'm sitting in for our Commissioner
7	today.
8	We'll call to order and do our roll
9	call, if you will acknowledge when I call your
10	name.
11	Gwen Whittaker?
12	MS. WHITTAKER: Here.
13	DEPUTY COMMISSIONER SCOTT: Ann
1 4	McGauran?
15	(No response.)
16	DEPUTY COMMISSIONER SCOTT: Scott
17	Thompson?
18	MR. THOMPSON: Present.
19	DEPUTY COMMISSIONER SCOTT: Stephen
20	Wright.
21	MR. WRIGHT: I am here, sir.
22	DEPUTY COMMISSIONER SCOTT: Okay. We
23	have three for a quorum, so we'll move forward.
2 4	I want to make the announcement that
2 5	if there's any conflicts of interest declarations,

```
1
    that those would be made before any votes take
 2
    place and all the completed form for the
    membership be on file. If you don't, please see
 3
 4
    Rachel Tate, and she can get those done for you,
 5
    those conflict of interest forms.
                                         Okay?
                 Our first order of business will be
 6
 7
    the adoption of our agenda, and members should
    have those in front of you or have received those
 8
 9
    earlier.
10
                 MR. WRIGHT: Is it too late to count
11
    Ms. Ann as present?
12
                 DEPUTY COMMISSIONER SCOTT:
                                               It is
13
    not.
1 4
                 MS. MCGAURAN:
                                 Sorry.
                 DEPUTY COMMISSIONER SCOTT:
15
                                               Ann, how
16
    are you doing?
17
                 MS. MCGAURAN:
                                 Doing good.
                 MR. WRIGHT: I would move for
18
    adoption of the agenda.
19
20
                 DEPUTY COMMISSIONER SCOTT:
                                               Okay.
2.1
                 MR. THOMPSON: Second.
22
                 DEPUTY COMMISSIONER SCOTT:
                                               Motion
23
    and a second.
2.4
                 Any questions or discussion about
25
    minutes?
```

```
1
                  MR. HERROD: Of the agenda.
 2
                  DEPUTY COMMISSIONER SCOTT:
                                               Of the
 3
    agenda.
             I'm sorry.
 4
                  Thank you, Tom.
 5
                  (No verbal response.)
                  DEPUTY COMMISSIONER SCOTT:
 6
                                               All in
 7
    favor of adopting the agenda as presented, state
    by "aye."
 8
 9
                  (Affirmative response.)
10
                  DEPUTY COMMISSIONER SCOTT:
                                               Any
11
    opposed?
12
                  (No verbal response.)
13
                  DEPUTY COMMISSIONER SCOTT:
                                               No
14
    opposition.
                 Motion carries and we will follow the
15
    agenda that's been adopted.
16
                  The second order of business here is
17
    to approve -- got two sets of minutes to approve.
    First, November 20, 2023. We need to approve the
18
19
    transcript of that meeting. I'm going to ask for
20
    a motion and a second to do that.
2.1
                 MR. THOMPSON: So moved.
22
                 DEPUTY COMMISSIONER SCOTT:
                                               Moved by
23
    Scott.
            And second?
                 MS. WHITTAKER: Second.
2.4
25
                 DEPUTY COMMISSIONER SCOTT:
                                               Second by
```

```
1
    Ms. Whittaker.
 2
                  Okay. All in favor of accepting the
 3
    minutes as submitted, let it be known by stating
    "ave."
 4
 5
                  (Affirmative response.)
 6
                  DEPUTY COMMISSIONER SCOTT:
                                               Аny
 7
    opposed?
 8
                  MR. DEASON: Before you take the
 9
    vote -- I'm sorry. I apologize. It would
10
    probably be best if we recognize on the record
11
    that Ms. McGauran is here.
12
                  DEPUTY COMMISSIONER SCOTT:
                                               Okay.
                                                       Wе
13
    didn't do that?
                      Okay.
                  MR. DEASON: Yes.
14
15
                  DEPUTY COMMISSIONER SCOTT:
                                               So Ann
16
    McGauran has arrived and we have all four members.
17
                  MS. MCGAURAN:
                                 Right.
                  DEPUTY COMMISSIONER SCOTT:
18
19
    "aye."
20
                  MS. MCGAURAN: Aye. And I was here
2.1
    for the last two votes.
22
                  DEPUTY COMMISSIONER SCOTT:
                                                Okay.
23
                  MR. DEASON:
                               Thank you.
                  DEPUTY COMMISSIONER SCOTT:
2.4
                                                Thank
25
    you, sir.
               Thank you.
```

```
So we have the first set of minutes
 1
 2
    approved, for the November 20.
 3
                 Next, I'll ask for a motion to
 4
    approve the transcript of minutes for the 11/28
 5
    meeting.
                 MS. MCGAURAN: So moved.
 6
 7
                  DEPUTY COMMISSIONER SCOTT:
                                               I have a
    motion.
 8
 9
                 MR. WRIGHT:
                               Second.
10
                 DEPUTY COMMISSIONER SCOTT:
                                               And a
11
    second.
12
                 All in favor of accepting minutes as
13
    accepted, let it be known by stating "aye."
1 4
                  (Affirmative response.)
                  DEPUTY COMMISSIONER SCOTT:
15
    opposed?
16
                  (No verbal response.)
17
                  DEPUTY COMMISSIONER SCOTT:
18
                                               Motion
19
    carries.
              And the minutes for 11/28 are approved
20
    as well.
2.1
                 Next item on our agenda is approval
22
    of revisions to the Prevailing Wage Commission
23
    Rules. And we're going to ask our general
2.4
    attorney, Chance Deason, to review the revisions
25
    with everyone, and then we'll do the vote on those
```

1 after you've done that. 2 Chance. Thank you, Deputy 3 MR. DEASON: Commissioner Scott. 4 5 So this is a -- these rules, as you 6 know, is a tedious process. I've received a lot 7 of input from you-all. We certainly appreciate that. So what I have -- or let me tell you this: 8 9 We statewide adopted this -- or contracted with this company called Esper, which used to, we would 10 11 fill out paper forms and take them down to the 12 Secretary of State's office. 13 Now, along with a lot of other things 14 in life, this is done digitally where we can file 15 and make changes and revisions and all that kind 16 of thing within their program. So that's what I 17 have up here on the screen. 18 And I believe Tom sent you a clean

And I believe Tom sent you a clean copy of the rules as -- if we've got all this right in here, this should look like this. When we go to the Secretary of State's office, we might still have a couple of small formatting issues.

And there are definitely some in this program, so I'm going to have to get help from the people at that company because our admin can't do it and I

19

20

2.1

22

23

24

certainly can't.

2.1

have the -- let me scroll down -- you're going to have the red-line version, and then you'll have the clean copy in front of you to compare. But I just kind of want to go down the list where you've got the whole chapter pulled up, and the reason for that is that I want to make sure there's no changes needed in anything else. At this point, though, only Section .01 and Section .02 are what you-all have provided input for to change, mostly the definitions and classifications.

It's probably of no interest to you, but while we're doing this, I'm going to submit a change to the records copy fee, just to make it so if the amounts in here change, it tracks the Open Records Counsel's, so we don't have to go back and change the rule again. That's just kind of a housekeeping matter.

So like I said, I'll go through this, and you can see the red lines in there and follow along. However, if you can't see it, let me know. If you have questions or suggestions for how I can do it better, please let me know that too.

But if it's okay with you-all, I'll just

```
1
    start with the ones we identified that need to be
 2
    changed. And I don't know. Should we -- I didn't
 3
    think about this. Should we take a vote on each
    one to accept? It would probably be better.
 4
 5
                 MR. HERROD:
                             That's fine.
 6
                 MR. DEASON: Because we might not
 7
    accept them all in totality or we might want to
 8
    change some more.
 9
                 MR. HERROD: I suppose it would take
    that much longer to vote on each one if that's...
10
11
                 MS. MCGAURAN:
                                Another way we could
12
    potentially do it is have discussion and keep
13
    moving, and then we could vote at the end on
14
    the -- on what was presented and revised.
                 MR. DEASON: Excellent idea.
15
                                               That's
16
    the way to do it. Thank you. Okay.
17
                 All right. So it's 0800-03-02-.01.
18
    And Number 1(c), it was recommended that
    definition of "Covered Worker" means a worker
19
20
    employed on a state highway construction project.
2.1
    Prior to any changes, it said "state construction
22
    project." But for clarification and to follow the
23
    statute, I believe, we wanted to add the word
2.4
    "highway" in there.
25
```

That's helpful.

MS. MCGAURAN:

```
1
                 DEPUTY COMMISSIONER SCOTT:
                                              Any
 2
    discussion on (c)?
 3
                 (No verbal response.)
 4
                 MS. MCGAURAN: I think it's a good
 5
    catch.
 6
                 MR. DEASON: And then we go to
 7
    Number 2 in that same first section. And also,
 8
    to, I think, provide for more clarity, make it
 9
    follow the statute better, we added a phrase -- or
10
    a couple of words and phrases in here. "Tennessee
11
    Prevailing Wage Rates apply to, " and added the
12
    following to clarify, "any state agency, any
13
    municipality, county, or other political
    subdivision of the State and" -- and then after
1 4
    that, it follows what was already in there, "any
15
16
    highway contractor, " et cetera.
17
                 Any clarification needed on that?
18
                 MS. WHITTAKER: So if you go through
19
    there, it says, "and any highway contractor
20
    entering into a state contract for the performance
2.1
    of work." Is that "state" needed? Or since
22
    you've clarified that it's any state agency, any
23
    municipality, would it be better to say "any
2.4
    highway contractor entering into a contract for
25
    the performance of work on state highway
```

```
1
    construction"?
 2
                 MR. DEASON:
                               We can certainly --
 3
                 MS. WHITTAKER:
                                 Does that clarify or
 4
    make it worse?
 5
                 MR. DEASON: I don't think it will
 6
    hurt anything to strike that.
 7
                 MS. MCGAURAN:
                               I have a quick
 8
    question.
               Is it state construction projects or
 9
    state highway, or construction projects on state
10
    highways?
11
                 MR. THOMPSON: Construction projects
12
    on state highways.
13
                 MR. WRIGHT:
                              And the discussion at
14
    the last meeting was to settle the one we've been
15
    having for years. And the belief of this group
16
    two weeks ago was that if it had state money in it
17
    or federal money that comes through the State's
18
    hands, even if it's, you know, the county of --
19
    Pickett County, that it should -- the prevailing
20
    wage should apply.
2.1
                 MS. MCGAURAN: So they would be
22
    deemed to be a -- so a municipal would be deemed
23
    to be a state contract?
2.4
                 MR. DEASON: I believe that's why
25
    "other political subdivision of the State" was
```

```
1
    added in there too, because there was confusion.
 2
                             See, all of that -- it
                 MR. WRIGHT:
 3
    just said "any highway contractor." So every time
 4
    some agency that isn't TDOT -- they assumed it was
 5
    TDOT only. But if we want the best information
 6
    available and to see that a living wage is paid to
 7
    the people that do county government work, if we
    can do our best to ensure that the local
 8
 9
    governments know that they need to see that a
    prevailing wage is paid, I think we've done some
10
11
    good, in my opinion.
12
                 And then from a selfish standpoint,
                                                      Ι
13
    probably signed a conflict of interest on this.
14
    If we're paying and competing with Jim Bob's Tree
15
    Service that's -- you know, that's borrowed
16
    somebody's asphalt spreader and has got four
17
    minimum wage guys out there doing a poor job,
18
    that's not the way the State's money should be
19
    spent, in my opinion. And I think everyone agreed
20
    with it.
2.1
                 MS. MCGAURAN:
                               I was just -- so
22
    concur with the suggestion of removing "state"
23
    from "state contract." So it could say, "into a
24
    contract for the performance of construction
25
    projects on a state highway"?
```

```
1
                 MR. WRIGHT:
                               Then you separate TDOT
 2
    back out again.
 3
                 MR. DEASON:
                               I think that needs to
 4
    stay the same because I believe that follows the
 5
    statute as well as state highway construction
 6
    projects.
 7
                 MS. MCGAURAN:
                                Okay.
                 MR. DEASON: We really want to
 8
 9
    avoid -- even if it wasn't ideally crafted and
    written in the first place, we want to do what we
10
11
    can to avoid confusion. And --
12
                 MS. MCGAURAN: I agree. I didn't
13
    understand.
                 Okay.
14
                 DEPUTY COMMISSIONER SCOTT:
                                               Chance,
15
    on Number 2, the only thing you're striking is
16
    "state" in front of "contract," in the first
17
    sentence; is that correct?
                 MR. DEASON: That will be -- let's
18
19
    see.
20
                             But then you've got to
                 MS. XIXIS:
2.1
    change the definition of the defined term above in
22
    the state contract.
23
                 MS. MCGAURAN:
                                Oh, state contract.
2.4
                 MR. WRIGHT: I think it's perfect
25
    like it is, myself.
```

1	MS. MCGAURAN: Okay.
2	MR. WRIGHT: Just me. Because, see,
3	if you go up, you have the definition of a "state
4	contract," and that's using that same term again.
5	DEPUTY COMMISSIONER SCOTT: Yeah.
6	It's a little redundant.
7	MR. WRIGHT: And all of these
8	terms all of the terms that are used in
9	paragraph 2 are defined above it, I believe. Is
10	that right?
11	DEPUTY COMMISSIONER SCOTT: It is.
12	MR. DEASON: Yeah. That would follow
13	the definitions. It's probably best to just leave
1 4	that.
15	DEPUTY COMMISSIONER SCOTT: Okay.
16	MR. WRIGHT: Are you good with that,
17	Gwen?
18	MS. WHITTAKER: Yes.
19	DEPUTY COMMISSIONER SCOTT: So no
20	changes to Number 2?
21	MS. MCGAURAN: No.
22	MR. DEASON: No changes.
23	All right. Now we can move to
2 4	0800-03-0202, the heading of Classification of
25	Covered Workers. And here is where we have a lot

```
1
    to go through on this one.
 2
                 So at the last -- the workshop, under
 3
    these 1(a) classifications, Number 1 is Blaster,
 4
    and it was recommended that Number 2, Bricklayer,
 5
    be removed from this section and placed under
 6
    Unskilled Laborer. So what I've done is struck
 7
    Bricklayer as Number 2 from Section (a), and that
    would move Carpenter up to Number 2.
 8
 9
                 MR. WRIGHT: Perfect.
                 MR. DEASON:
10
                             Questions on that?
11
                 (No verbal response.)
12
                 MR. DEASON: Okay. I'm just going to
13
    go down to the portions that were changed.
14
                 So here we go to Number -- under
15
    Class A Operator, Number 3, subpart 4, Motor
16
    Patrol Operator Finish was changed to Motor Grader
17
    Operator Finish. And nothing else in Part 4 there
18
    was changed, as far as I can see.
19
                 MR. WRIGHT: Chance, could you go
20
    back up to 3 point -- just the Class A Operator?
2.1
    It's up about three paragraphs.
22
                 MR. DEASON:
                              Yes, sir.
23
                              Gwen's draft had
                 MR. WRIGHT:
24
    "Bulldozer Finish" after it. It says "Motor
25
    Patrol Finish, " comma, "Bulldozer Finish."
```

```
1
                 MR. DEASON: That's in here, but it's
 2
    Class A Operator --
 3
                 MS. WHITTAKER: It's down in
 4
    bullet 5. So it made the description. It's just
 5
    not in that initial paragraph.
                 MR. WRIGHT: I think all the bullet
 6
 7
    points would have to be listed there in the 3.
                                                      Ιs
    that right?
 8
 9
                 MR. THOMPSON: So that means you need
10
    to change the Patrol Operator to Motor Grader.
11
                 MR. WRIGHT: Yeah. The Motor Patrol
12
    needs to be Motor Grader Operator.
13
                 MS. WHITTAKER: Missed that one,
14
    yeah.
15
                 DEPUTY COMMISSIONER SCOTT:
                                              Chance,
16
    did you hear that from here?
17
                 MR. DEASON: I didn't.
                 MR. WRIGHT: Motor Patrol is a 1940s
18
19
    term.
20
                 DEPUTY COMMISSIONER SCOTT: Under
2.1
    Item Number 3.
22
                 MR. WRIGHT: Motor Patrol needs to
23
    say Motor Grader Finish, comma, Dozer -- you were
2.4
    there.
25
                 MR. THOMPSON:
                                You were there.
                                                   It's
```

```
1
    3.
        There you go.
 2
                 MR. DEASON:
                               Okav.
 3
                 MR. WRIGHT:
                               See Motor Patrol Finish?
                 MR. DEASON:
                              Yes, sir.
 4
 5
                 MR. WRIGHT: Motor Patrol is like an
 6
    8-track tape.
 7
                 MR. DEASON:
                              So what needs to be done
 8
    with that?
 9
                 MR. WRIGHT: Delete Patrol and put
    Grader, G-R-A-D-E-R.
10
11
                 MR. DEASON:
                              Got you. Okay.
12
                 MR. WRIGHT:
                              And then push the
13
    semicolon back and put a comma after Finish.
    Bulldozer, Finish in parentheses, and the
14
15
    semicolon. Bulldozer.
16
                 MR. DEASON:
                              Got you.
17
                 MR. WRIGHT: Yeah. That would be
    helpful.
18
19
                 MR. DEASON:
                               Okay.
20
                 MR. WRIGHT:
                              You are perfect now.
2.1
                 MR. DEASON:
                              Did that work?
22
                 MR. WRIGHT:
                               Yes, sir.
23
                 MR. DEASON:
                               Okay.
2.4
                 MS. MCGAURAN: So it says
25
    Backhoe/Hydraulic Excavator, but it just says
```

```
1
    Backhoe Operator below. Is that still okay,
 2
    Backhoe/Hydraulic?
 3
                 MR. WRIGHT:
                               I know what it means,
 4
    least.
            Technically, what does -- what do the
 5
    manufacturers call them? Hydraulic excavator?
 6
                 MR. THOMPSON: Uh-huh. Yeah.
                                                 If you
 7
    want to get technical, it should be hydraulic
 8
    excavator.
 9
                 MR. WRIGHT: Which would mean you
10
    need to go back -- the other point, mark out the
11
    backhoe and change that backhoe to hydraulic.
12
                 MS. MCGAURAN: I mean, that's my
13
    question.
               Backhoe/hydraulic didn't seem to align
14
    with Backhoe. I didn't see Hydraulic in there
15
    anywhere.
16
                 MR. THOMPSON: It's kind of the same.
17
                 MS. MCGAURAN:
                                 Okay.
                 MR. WRIGHT: So when this was
18
19
    written, a backhoe was a cable-operated riq, in
20
    the '70s.
2.1
                 MS. MCGAURAN: Okay.
22
                 MR. WRIGHT: I'm probably the only
23
    one in the room old enough to remember that.
2.4
                 MR. DEASON: So do we need to do
```

25

anything with that?

```
1
                 MR. WRIGHT:
                               If we want to be
 2
    appropriate, you would go up to the first -- to
 3
    the Class A Operator heading --
 4
                 MR. DEASON:
                               Yes, sir.
 5
                 MR. WRIGHT:
                              Yeah. And go over to --
 6
    and mark out Backhoe and forward slash or whatever
 7
    it is and just -- and capitalize Hydraulic, I
 8
    quess.
 9
                 MR.
                     THOMPSON: If you deleted that --
                 MR. WRIGHT: Just delete that and
10
11
    vou're there.
12
                 MS. MCGAURAN:
                                I know this is --
13
                 MR. THOMPSON:
                               And then go down to --
14
    there you go. And delete Backhoe and substitute
15
    Hydraulic --
16
                               Hydraulic Excavator.
                 MR. WRIGHT:
17
                 MR.
                     THOMPSON: -- Excavator.
                     WRIGHT: Hydraulic Excavator
18
                 MR.
19
    Operator.
20
                 MR. DEASON:
                              Okay.
2.1
                 MS. MCGAURAN: Can I just ask a
22
               And the reason we need that Class A
    question?
23
    Operator and the way it's defined in there is
2.4
    because we use it for something else in that
25
    shorter abbreviation; is that right, Tom?
```

```
1
                 MR.
                    HERROD: Say that one more time.
                 MS. MCGAURAN:
                               So a lot of times when
 2
 3
    I'm looking at legal documents, I try not to be
 4
    redundant, right? And there is a redundancy,
 5
    right, in terms of the way -- it says Class A
 6
    Operator. Then it says what it is. Then it says
 7
    "as defined below," which then restates what it
    says up above.
 8
 9
                 I was just wondering, is the reason
    we do that this way in these rules, because of how
10
11
    we do the survey? Do we use the short term or do
12
    we use the long definition for the survey?
13
                 MR. HERROD: Well, the survey is just
14
    going to say Class A Operator with a brief
15
    description. But the rules will be on the back
16
    side to go with it to further explain what that
17
       So it goes into deeper explanation.
18
                 MS. MCGAURAN: So that, like,
19
    Section 3 paragraph would be what you would see in
20
    the survey, and that's your brief description?
2.1
                 MR. HERROD: Yes. If it fits in
22
            It has to fit in the --
    there.
23
                 MS. MCGAURAN: In the spot.
2.4
                 MR.
                     HERROD: -- in the spot.
                                                But
25
    then the rest of the rules itself will be attached
```

```
1
    and they'll have to find it.
 2
                 MR. THOMPSON: Tom, I thought we were
 3
    just going to have Class A Operator and then we
 4
    were going to just attach it to the document.
 5
                 MR. HERROD: Well, that's the point,
 6
    yeah.
           I can't remember the last survey, whether
 7
    or not it had any brief description on the side or
    not. But it will probably just say Class A
 8
 9
    Operator.
                 MS. MCGAURAN: So the reason I'm
10
11
    asking this is that, you know, like 3, do we even
12
    have to have all those words, or can we just say
13
    Class A Operator as -- you know, is defined as
14
    follows, and then the "defined as follows" is the
15
    definition?
16
                 MR. THOMPSON: You can.
                 MR. WRIGHT: You can, but you'll have
17
18
    to change every one of them.
                                        That was --
19
                 MS. MCGAURAN: Yeah.
                 MR. WRIGHT: And Skilled Laborer,
20
2.1
    it's got -- every heading has a bunch of stuff,
22
    and then they define what they're talking about.
23
                 You know, the consistency is, I
24
    think, important, and that's a good catch on
25
    whoever said that part. Because, you know, we --
```

```
1
    Scott and I hand this to people that can't pick a
 2
    hydraulic excavator out from something else and
 3
    ask them to figure out who to put in what
 4
    categories.
 5
                 MS. MCGAURAN:
                                 Right.
 6
                 MR. WRIGHT: And then that defines
 7
    how well we represent ourselves to you. So the
    clearer and the more concise and the more
 8
 9
    repetitive...
10
                 MS. MCGAURAN:
                                 Okay.
11
                 MR. WRIGHT: You know, some of those
12
    people need to read it about four times before
13
    they get the meaning, to get it right.
1 4
                 MS. MCGAURAN: Okay.
15
                 MR. WRIGHT: I mean, Scott is maybe
16
    smarter with that.
17
                 MR. THOMPSON:
                                 Same pool. Same pool.
18
                 MR. DEASON:
                              Let me ask you, though,
19
    can you -- do you see my cursor? Does this --
20
    when we change from Motor Control to Motor Grader,
2.1
    does Finish need to be in parentheses?
22
                 MR. WRIGHT:
                              Yes.
23
                 MR.
                     THOMPSON:
                                Yes.
2.4
                 MR. DEASON: All right. Are we ready
25
    to move...
```

```
1
                 MS. MCGAURAN:
                                Yeah.
 2
                 MR. WRIGHT: Yes.
 3
                 MR. DEASON: All right. Down to --
 4
                 MS. MCGAURAN: I'm going to apologize
 5
    up front if I take a step back, because I missed
 6
    the last meeting. It's my own fault. I'm just
 7
    trying to understand.
                 MR. WRIGHT:
                              We missed you.
 8
 9
                 MR. DEASON: Down here to Number --
    Motor Patrol, so that's been changed to Motor
10
11
    Grader Operator, which is consistent with what's
12
    above.
13
                 MR. THOMPSON:
                                 That's right.
14
                 MR. WRIGHT: Yes, sir.
15
                 MR. DEASON: Anything else on that?
16
                 (No verbal response.)
17
                 MR. DEASON: Then we go to Number 5
    there, Bulldozer Operator Finish.
18
19
                 DEPUTY COMMISSIONER SCOTT:
                                              Can you
20
    read it, Chance?
2.1
                 MR. DEASON: I can read that section.
22
                 "Bulldozer Operator Finish means one
23
    who operates a large tractor with a concave steel
2.4
    blade or push block mounted in front of the
25
    chassis; regulates heights of blades or push
```

```
1
    blocks from the ground; may oil, grease, or
 2
    otherwise service and make necessary adjustments
 3
    to equipment as needed; and may perform other
 4
    related duties. Note: The equipment is used to
 5
    level, distribute, and push earth to a fine grade.
 6
    The work is subjected to strict inspection and
 7
    must conform closely to specifications."
                 MR. STARWALT: You need a parentheses
 8
 9
    at the end.
10
                 MR. HERROD: Yeah, end parentheses.
11
                 MR. STARWALT: Parentheses after
12
    "specifications."
                               Yes, at the very end.
13
                 MR. THOMPSON:
1 4
                 MR. DEASON: Oh, okay. Thank you.
                 DEPUTY COMMISSIONER SCOTT:
15
16
    discussion there?
17
                 (No verbal response.)
                 MR. DEASON: So Number 5 has become
18
19
    Number 4, Class B Operator. The only thing I
20
    changed in there is to put parentheses, Rough,
2.1
    after Bulldozer.
22
                 Is there anything else?
23
                 MR. WRIGHT: I think the
2.4
    Backhoe/Hydraulic Excavator probably needs fixing
25
    there, too.
```

```
1
                 MS. MCGAURAN: Well, we don't have a
 2
    Backhoe/Hydraulic Excavator defined below.
 3
                 MS. WHITTAKER: So there's, I think,
 4
    eight descriptions in the first paragraph and only
 5
    five detailed descriptions to go with it.
 6
                 MR. WRIGHT: Nice.
 7
                 MS. MCGAURAN: That's one of the
    reasons I was asking. Which one takes precedent,
 8
 9
    the top or the bottom on these?
                             Well, the -- for the
10
                 MR. WRIGHT:
11
    excavator, the hydraulic excavator, it's more
12
    about size. You could almost copy down the --
13
    let's see what it says.
14
                 MR. THOMPSON: Well, it defines the
15
    size. That's exactly right.
16
                 MR. WRIGHT: It's the ability -- see,
17
    the first one is 3/4 yard and over, and then it
18
    defines it in Item 1. And then you go down to
19
    Class B, and it's less than 3/4 yard, and it is
20
    not defined. So you can either assume it's a
    Class A description but on the smaller one or we
2.1
22
    can add the paragraph.
23
                 MR. THOMPSON:
                               I don't know why you
24
    can't cut and paste the paragraph, because it's
25
                       The difference is the size, the
    exactly the same.
```

```
1
    bucket size.
 2
                              Depends on how much of
                 MR. WRIGHT:
 3
    the State's paper we want to use.
 4
                 MR. DEASON: It's just bits and bytes
 5
    right here.
                 DEPUTY COMMISSIONER SCOTT: So for
 6
 7
    consistency's sake, do we need to have the same
    number of descriptions under this one as the
 8
 9
    others?
10
                 MR. WRIGHT: It would actually be
11
    logical, yes, sir.
12
                 MR. DEASON:
                              We have three, four,
13
    five trenching machines, so we need to add
14
    descriptions.
15
                 MR. WRIGHT: There's not a definition
16
    for Loader.
17
                 MS. WHITTAKER: So could you use the
    same descriptions in Class A?
18
19
                 MR. WRIGHT: Uh-huh. You could copy
20
    down the Loader and just call it three yards and
2.1
    under and put it in Motor Patrol Rough.
22
                 MS. MCGAURAN:
                               Right. Just like the
23
    other one --
2.4
                 MR. THOMPSON: The Motor Grader has
25
    to be changed, though, because it's not...
```

```
1
                 MR. WRIGHT: It's got "Rough."
 2
    Well --
 3
                 MR.
                     THOMPSON: Well, you get into...
 4
                 MR. WRIGHT: You would probably want
    to take that last sentence out, "The equipment is
 5
 6
    used to level dirt, to lay asphalt and
 7
    flexible"...
                 DEPUTY COMMISSIONER SCOTT: Which two
 8
 9
    are missing from Class B? Loader?
10
                 MR. WRIGHT: Loader and Hydraulic
11
    Excavator.
12
                 MR. THOMPSON: And Motor Grader.
    Isn't it the grader?
13
14
                 MS. WHITTAKER: Yeah. Motor Grader
    is on there. "Rough," yeah.
15
16
                 MR. THOMPSON: And there's a "Rough."
17
    I'm sorry.
18
                 MS. MCGAURAN:
                               Let me go back a
19
    little bit. Then the Hydraulic Excavator in 1
20
    should say in parentheses, behind it, "3/4 a yard
2.1
    and over." And then the one in this one should
22
    say in parentheses --
23
                 MR. THOMPSON: Yes.
2.4
                 DEPUTY COMMISSIONER SCOTT:
                                              Less
25
    than.
```

```
1
                 MS. MCGAURAN: -- less than.
 2
                 MS. WHITTAKER: So is it okay to say
    "3/4 yard" or "3 yard," or should it be "3/4 cubic
 3
 4
    yard" and "3 cubic yard"?
 5
                 MS. MCGAURAN: So that would work.
 6
    So then, Chance --
 7
                 MR. THOMPSON:
                               Might as well put
    cubic yard because that's what it really is.
 8
 9
                 MS. MCGAURAN: So, Chance, on the (i)
10
    there --
11
                 MS. WHITTAKER: On equipment
12
    description --
13
                 MS. MCGAURAN: -- in parentheses --
14
                 MS. WHITTAKER: -- doesn't it say
15
    cubic yard?
16
                 MS. MCGAURAN: -- after the name, it
17
    should include that "3/4 yard and over" from the 3
18
    above. It should just say both of those things.
19
                 MR. WRIGHT: That, technically,
20
    should be 3/4 cubic yards.
2.1
                 MR. DEASON: Okay. So --
22
                 MR. WRIGHT: Not to confuse you but
23
    Gwen is right. And all the words that say "yards"
2.4
    should be "cubic yards."
25
                 MS. MCGAURAN:
                               Could we just define
```

```
1
    "yard" to be "cubic yard"?
 2
                 MR. WRIGHT: We could do that.
                                                   You
 3
    could put a definition of "yard."
                 MR. DEASON: So under Class A --
 4
 5
                 MR. WRIGHT: But you need to go back
 6
    up to the description.
 7
                 MR. THOMPSON: Yeah, to that original
 8
    Number 3 Class A Operator --
 9
                 MR. DEASON: That's where I am right
10
    now.
11
                 MR. THOMPSON: No. Go up one more.
12
    There you go.
13
                 MS. MCGAURAN:
                               Cubic yard too.
                 MR. WRIGHT: Cubic there. And then
14
15
    cubic -- and the next one, End Loader, which I
16
    would remove the "End." That's an old --
17
                 MS. MCGAURAN:
                                Right where you were
    before.
18
19
                 MR. THOMPSON: Stay right where you
20
    were.
2.1
                 MR. WRIGHT: Right there. See "End
22
    Loader" --
23
                 MS. MCGAURAN: 3 yards.
2.4
                 MR. WRIGHT: -- four words, five
25
    words over?
```

```
1
                 MR. THOMPSON: Where you just
 2
    corrected a second ago. There you go.
 3
                 MR. WRIGHT: Remove the "End."
 4
    That's a term that's 8-track tape worthy, too.
 5
                 MS. MCGAURAN: And then cubic, with
 6
    the 3 cubic yards.
 7
                 MR. WRIGHT:
                               I hope somebody
 8
    appreciates how hard this was.
 9
                 MR. DEASON: Oh, boy. I don't know
10
    what just happened there. Okay.
11
                 I can just do a search for anything
12
    that says "yard."
13
                 MR. WRIGHT:
                              Does anybody know what a
14
    push block is on a dozer?
15
                  (No verbal response.)
                 MR. WRIGHT:
16
                               That's what I thought.
17
                 MR. DEASON:
                              All right. Are we ready
    to resume with Class B?
18
                 DEPUTY COMMISSIONER SCOTT:
19
                                               So we
20
    need to add a Section 6 and 7 under Class B?
2.1
                 MR. DEASON: Two sections.
22
                 DEPUTY COMMISSIONER SCOTT: One for
23
    Loader?
2.4
                 MR. THOMPSON: Yes.
                                       We need to add
25
    Loader Operator.
                      We can copy and paste from
```

```
1
    Class A and just change the yardage.
 2
                 MR. WRIGHT: And Bulldozer.
                                               There's
 3
    two of them.
                 DEPUTY COMMISSIONER SCOTT:
 4
                                              Yeah.
 5
    Backhoe hydraulic.
                 MR. WRIGHT: Backhoe. That's what it
 6
 7
    was.
                 MR. DEASON:
                              Which one was that?
 8
 9
                 MR. THOMPSON: Go back up to Class A,
    Loader.
10
11
                 MR. DEASON: Okay.
12
                 MR. THOMPSON: Right there.
13
                 MR. DEASON: Right below.
                                             Okay.
14
                 MR. THOMPSON: All right. We can cut
15
    and paste, and all we're going to do is change the
16
    cubic -- we're going to change the yardage down
17
    to --
18
                 MS. MCGAURAN:
                                The thing in
19
    parentheses right after "Loader Operator."
                 MR. WRIGHT: Yeah. And say "under 3
20
2.1
    yards."
22
                 MR. DEASON:
                              Okay. So just cut this
23
    whole thing and put it down as a --
2.4
                 MR. THOMPSON: Yes.
25
                 MR. DEASON: Got you.
                                         Okay.
```

```
1
                 MR. THOMPSON: And then we'll change
 2
    the parentheses.
 3
                 MR.
                     WRIGHT:
                               Copy it. Don't cut it.
                 MR. DEASON:
                              And under?
 4
 5
                 MR. WRIGHT:
                               Under 3 yards.
 6
                 MR. HERROD:
                               Do you want to say "less
 7
    than"?
 8
                     WRIGHT:
                              Yeah, "less than."
                 MR.
 9
                 MR. THOMPSON: But it's not "and."
    It's got to be under 3 yards.
10
11
                 MR. DEASON: 3 and 3 cubic yards.
12
                 MS. MCGAURAN: No. It's under.
13
                 MR. DEASON: So just "less than
    3 cubic yards"?
14
15
                 MR.
                     THOMPSON:
                                 Yes.
16
                 DEPUTY COMMISSIONER SCOTT: Yes.
17
                 MR. DEASON: All right. Then the
18
    next one...
19
                 MR. WRIGHT:
                              Hydraulic Excavator.
                                                      Gο
20
    back up to A and copy. Grab that paragraph for
2.1
    Hydraulic Excavator.
22
                 MR. DEASON:
                               Right here?
23
                               Yes. And it needs to be
                 MR. WRIGHT:
2.4
    less than, I guess. Less than 3/4 cubic yards.
25
                 MR. DEASON:
                               Okay.
```

```
1
                 MR. WRIGHT:
                              Amazing.
 2
                 MS. WHITTAKER:
                                Okay. And so in that
 3
    initial description, you have Tractor
 4
    Crawler/Utility, and there's no description for
 5
    that.
         Do we need that description? It's between
 6
    Motor Grader and Scraper.
 7
                 MR. WRIGHT: I don't even know what
    that is.
 8
                 MR. THOMPSON:
 9
                               I don't know if that
    even needs to be in there.
10
11
                 MS. WHITTAKER: So could we just
12
    strike it and not have to come up with a
13
    definition?
                 MR. THOMPSON: Yes.
14
15
                 DEPUTY COMMISSIONER SCOTT:
                                              It's
16
    under Class B?
17
                 MR. WRIGHT: Yes.
                 MR. THOMPSON: I don't know what
18
19
    they're talking about.
20
                 MR. WRIGHT: Unless they're talking
2.1
    about the old days when you had bulldozers holding
22
    scrapers.
23
                 MR. THOMPSON:
                               Oh.
2.4
                 MR. WRIGHT: Maybe. But that doesn't
25
    happen anymore either. So it's like a bricklayer
```

```
1
    and 8-track tape.
 2
                 Please delete that.
 3
                 MR. DEASON: So --
 4
                 MR. WRIGHT: Right there.
 5
                 DEPUTY COMMISSIONER SCOTT: Under
 6
    Number 4, uh-huh.
 7
                 MR. DEASON:
                               This right here?
                 MR. WRIGHT:
                               Yes, sir.
 8
 9
                 MR. DEASON:
                              All right. Number 4, is
    that -- we still don't have a couple of
10
11
    definitions in there, do we?
12
                 MR. THOMPSON: I thought we got them.
13
                 MS. WHITTAKER: Yeah, I think that
14
    got it.
15
                 MR. DEASON:
                               Okay.
16
                 DEPUTY COMMISSIONER SCOTT: You got
    them when we did that, uh-huh.
17
                 MR. THOMPSON: You should have them
18
19
    now.
20
                 MR. DEASON: All right. Okay.
2.1
    didn't think we had scraper, but we did.
22
                 Okay. So is Class B acceptable?
23
                 MR. WRIGHT: I think so.
2.4
                 MR. THOMPSON: I was going to say I
25
            I'll go home and read it tonight.
    think.
```

```
1
                 MR. DEASON:
                              What we can do is send
 2
    you --
 3
                 MR. WRIGHT:
                               That would be nice.
 4
                 MR. DEASON: -- another copy today.
 5
    Okay.
                 MR. WRIGHT: I do know we've
 6
 7
    eliminated several things that make me twitch when
    I read it.
 8
 9
                 MR. DEASON: All right. Class C, cut
    scale. I don't know why there's an "f" right
10
11
    there.
12
                 MR. THOMPSON: I think that's
13
    correct.
                 MR. HERROD: I think on the clean
14
15
    copy here, you may have a stray letter in here;
16
    "f" after the "horizontal" and parentheses.
17
                 MR. DEASON:
                               I just --
                 MR.
                     HERROD:
                              You took it off?
18
19
                 MR. DEASON:
                              Yeah.
20
                 MR. HERROD:
                              Okay.
2.1
                 DEPUTY COMMISSIONER SCOTT:
                                               The
22
    Roller -- Number (x), is there a Roller Operator
23
    up in the description anywhere that you-all see?
2.4
                 MR. THOMPSON: Are you talking about
25
    under Number 5?
```

```
1
                 DEPUTY COMMISSIONER SCOTT:
                                              Right.
 2
                 MR. THOMPSON: Right. It's not in
 3
    there.
            That's correct.
 4
                 So on Number 5, we need to take the
 5
    Roller Operator from 10 and move it up, because
 6
    it's not listed under the original description
 7
    under 5.
                 MR. DEASON:
                              Okay. Go down to...
 8
 9
                 MR.
                     THOMPSON: The last one there.
10
                 MR.
                     DEASON:
                             Right there?
11
                 MR. THOMPSON: Right there. Roller
12
    Operator, parentheses, Asphalt. Just copy just
13
    the first -- there you go.
14
                 MR. DEASON: Okay.
15
                 MR. THOMPSON: Copy that and move it
16
    up.
17
                 MR. WRIGHT: Do we do any Concrete
    Barrier Rail Transfer Machine Operator?
18
                                              Is that
19
    one of those things that moves them over a lane at
20
    a time?
             Is that what you think that is, Gwen?
2.1
                 MS. WHITTAKER: It's the first thing
22
    that comes to mind, but do y'all have anything
23
    else for that?
                    That's not up in that description.
2.4
                 MR. WRIGHT: When we moved them, you
25
    had to use either a forklift or a clamp, but I
```

```
1
    would think that's where they have a design for
 2
    the municipalities or places that have -- where
 3
    they're trying to have reversible lanes.
                 MS. MCGAURAN: After -- where you
 4
 5
    were just at, under Number 5 --
                 MR. WRIGHT: Read Number VII in Roman
 6
 7
    numerals at the bottom of page 5, on Gwen's page.
                 MR. THOMPSON: You're talking about
 8
 9
    right here?
                 You're talking about the --
10
                 MR. WRIGHT: Yeah.
11
                 MR. THOMPSON: Well, we just use a
12
    rubber-tired trackhoe or whatever. I mean --
13
                 MR. WRIGHT: But it's not in this.
1 4
    It's not in that.
15
                 MR.
                     THOMPSON:
                               Oh.
                                      Oh.
16
                 MR. WRIGHT: It's not in that and...
17
                 MR. THOMPSON: I would almost take
18
    that out.
                 MR. WRIGHT: We don't own one.
19
20
    Wouldn't know what to do with it if we had one.
                 MR. THOMPSON: Well, you use all
2.1
22
    different types of machines -- different people
23
    use different machines to move the barrier rail.
2.4
                 MR. WRIGHT: And that machine, the
```

only place I know of, if it is what we think --

```
1
    this side of the table thinks it is, is if you go
 2
    to Los Angeles or something and they've got six
 3
    lanes and they move one lane of barrier rail over
 4
    in the morning and back in the afternoon with --
 5
    and they have this machine that kind of picks it
 6
    up and just moves it over one lane and sets it
 7
    back down.
                So does that exist in Tennessee?
                 MR. DEASON: With all the
 8
 9
    infrastructure stuff supposed to happen, you'd
10
    think it might become relevant.
11
                 DEPUTY COMMISSIONER SCOTT:
                                              Is there
12
    a poured barrier rail?
13
                 MR. WRIGHT:
                              If it does, it will be
14
    used by the people that own the road. So it would
15
    either be a TDOT employee, or should the choice
16
    lanes work out, whoever the concessionaire is
17
    there, they would be an employee of them.
                                                I don't
18
    know of anywhere where a contractor has been asked
19
    to do that, that I'm aware of.
20
                 MS. MCGAURAN: There's also a
    concrete barrier rail. Is that what we're looking
2.1
22
    at?
23
                 MS. WHITTAKER:
                                 That's what we're
2.4
    talking about.
25
                 Does it hurt to leave it for a future
```

```
1
    need?
          Because we already have the description.
 2
                  (Overlapping conversation.)
 3
                 DEPUTY COMMISSIONER SCOTT: Some is
 4
    poured in place?
 5
                 MR. WRIGHT:
                               I'm sorry.
 6
                 MS. WHITTAKER: Does it hurt to leave
 7
    it?
 8
                 MR. WRIGHT: It doesn't hurt to leave
 9
    it.
                 MS. WHITTAKER: But if we leave it,
10
11
    we need to add that up in --
12
                 MR. WRIGHT: We need to add it up to
13
    the top --
14
                 MS. WHITTAKER: -- the lead
15
    paragraph.
16
                 MR. WRIGHT: -- if we're going to be
17
    consistent.
18
                 MS. WHITTAKER: That way, if we ever
19
    do have it, it will already be here.
20
                 MR. HERROD: One talking at a time so
2.1
    she can --
22
                 MR. WRIGHT:
                               I am so sorry.
23
                 MR. HERROD:
                               Thank you.
2.4
                 DEPUTY COMMISSIONER SCOTT:
                                               So,
25
    Chance, where are you?
```

```
1
                 MR. DEASON: I'm not quite sure.
 2
                 MS. MCGAURAN: I think the discussion
 3
    just led to the point that Concrete Barrier Rail
    Transfer Machine Operator, which is 8, that header
 4
 5
    needs to be in Number 5, right there. Concrete
    Barrier Rail Transfer.
 6
 7
                 MR. DEASON: Okay. So that needs to
 8
    go up to --
 9
                 MS. MCGAURAN:
                               5.
                 MR. DEASON: -- Roman Numeral 5?
10
11
                 MS. MCGAURAN: In Number 5.
12
                 MR. DEASON: Number 5?
                 MS. MCGAURAN: Not the whole thing,
13
14
    just the name.
15
                     DEASON: Got you. Okay.
                 MR.
16
                 MR. WRIGHT: Is the MTV Operator in
17
    the Class C Operator, the header?
18
                 MR. THOMPSON: Yes.
                                       Yes, we got it
19
    covered.
20
                 MR. WRIGHT: Okay. Thank you.
                     THOMPSON: Okay. And then check
2.1
                 MR.
22
    to make sure the numbers -- we've got it numbered
23
    correctly below 5.
2.4
                 MR. DEASON: Below 5? Okay.
25
                 MR. THOMPSON:
                                Yeah.
                                        Make sure all
```

```
1
    of our...
 2
                 MS. WHITTAKER: Up in Number 5,
 3
    there's a Boring Machine Horizontal listed, but
 4
    there's no description. There is one down in
 5
    Class D. So can we strike that from Class C and
 6
    leave it in D?
 7
                 MS. MCGAURAN: So I think what she
 8
    just said is the -- where it says right there in
 9
    Number 5 --
10
                 MS. WHITTAKER: Oh, wait a minute,
11
    before we make the change. So if you look at
12
    Class D, that is not up in the main description.
13
                 DEPUTY COMMISSIONER SCOTT:
14
    got put in the wrong place.
15
                 MS. WHITTAKER: Maybe it got put in
16
    the wrong place.
17
                 DEPUTY COMMISSIONER SCOTT: Uh-huh.
                 MR. THOMPSON: I think it needs to be
18
    under D.
19
20
                 DEPUTY COMMISSIONER SCOTT: Uh-huh.
2.1
                 MS. WHITTAKER: So leave it there.
22
                 MR. THOMPSON: Yeah. I think we just
23
    need to strike it from C at the top and move it to
2.4
    the top of D.
25
                                  Okay.
                                         So under C in
                 MS. WHITTAKER:
```

```
1
    the main paragraph --
 2
                                         There you go.
                 MR. THOMPSON:
                                 Right.
 3
                 MS. WHITTAKER: -- the Boring Machine
 4
    Horizontal, strike it from C.
 5
                 MR. THOMPSON:
                                 After you copy it.
 6
                 MS. WHITTAKER: And then cut it.
 7
                 MR. THOMPSON: Oh, yeah, copy it
 8
    first.
 9
                 MS. WHITTAKER: Cut it there.
                 MS. MCGAURAN: Move it. We're going
10
11
    to be moving this to 6.
12
                 And you want to get rid of the word
13
    "or, " too.
                 MR. DEASON: "Or."
14
                 MS. MCGAURAN: Yeah.
15
16
                 DEPUTY COMMISSIONER SCOTT:
                                               Good?
17
                 MR. DEASON: I think so.
                 DEPUTY COMMISSIONER SCOTT:
18
                                                      So
19
    he's finished, just made the move in 6, putting
20
    the boring, where we go from 6 D, moving forward,
2.1
    Class D Operator.
22
                                Yeah, Class D.
                 MS. MCGAURAN:
23
                 DEPUTY COMMISSIONER SCOTT:
2.4
    there any changes in the subparts in 6 under
25
```

Class D?

```
1
                 MS. MCGAURAN: I'm double-checking
 2
    right now.
 3
                 MR. WRIGHT:
                              I was trying to figure
    out what's here and what isn't. Concrete pump...
 4
 5
                 MS. MCGAURAN:
                                 It's a challenge
 6
    because they're not in the same order.
 7
                 DEPUTY COMMISSIONER SCOTT:
                                             Chance,
 8
    can you talk through the changes in the subparts?
 9
                 MR. DEASON:
                             If everybody is ready.
10
    It looks like some are still studying.
11
                 DEPUTY COMMISSIONER SCOTT:
                                              He's
12
    going to tell you the changes just through those,
    if you want to follow him.
13
14
                 MR. DEASON: Can you -- if you-all
15
    can see the screen, just where we added the Power
16
            I think this is correct because where it
17
    articulated -- where it says "Truck," rigid frame
    or articulated off-road, and then "or Power
18
19
    Broom, " do those go together?
20
                 MR.
                     THOMPSON: No. They're separate.
2.1
                     DEASON: So just take --
                 MR.
22
                     THOMPSON: The word "or" needs to
                 MR.
23
    qo, yes.
                 MR. DEASON: Got you.
2.4
                                        Okay.
25
                 All right. And we've got one
```

```
1
    machine, horizontal, further defined, and Bobcat
 2
    was changed to Skid Steer. Number 4 --
                 MR. THOMPSON: Can we go back up?
 3
 4
    This is going to just absolutely drive me crazy.
 5
    Behind Skid Steer, can we put in parentheses,
 6
    "track or tire"? Just make my life easier.
 7
                 MR. WRIGHT: Isn't it written right
    behind it?
 8
 9
                 DEPUTY COMMISSIONER SCOTT: It is.
10
                 MR. WRIGHT: "Tractor-type." Well --
11
                 DEPUTY COMMISSIONER SCOTT: Well, no,
12
    it's not.
13
                 MR. WRIGHT:
                             "Small tractor-type
14
    equipment for excavations." You could put
15
    "track-type."
16
                 MR. THOMPSON: If you just put "Skid
    Steer, " and in parentheses, "tire or track."
17
18
                 MR. WRIGHT: Okay. There's a
    difference.
19
                 A skid steer is one that will --
                 MR. THOMPSON: A skid steer is
20
2.1
    actually tires. A compact track loader is
22
    actually tracks. And what happens is, is if --
23
    what I'm worried about, I mean, I can't get off
24
    of, is all of a sudden, you have to -- if you
25
    found somebody who's really crafty there, and they
```

```
1
    just start saying they should be paid Class B
 2
    Operator pay because they're on a loader that's
 3
    listed.
                 MR. WRIGHT:
 4
                               That'll work until they
 5
    figure out it's listed as Class D.
                 MR. THOMPSON: Does that make sense?
 6
    Under -- behind skid steer?
 7
                 MR. DEASON:
                              What do we want to put?
 8
 9
                 MR. WRIGHT: You might want to put it
    right in there where it says "uses small track or
10
11
    wheel, tractor-type equipment."
12
                 MR. THOMPSON: Yeah.
                                        That's good.
13
    You're right.
14
                 MR. WRIGHT: Put it in there and then
15
    you'll have it.
16
                 MR. THOMPSON: You could do
17
    "wheel/tractor-type equipment."
                               Wheel track, track-type.
18
                 MR. WRIGHT:
19
                 MR. DEASON: The volume of the stuff
    we're discussing is -- this doesn't fall in the
20
2.1
    usual discussion, but we talked about that. So
22
    we'll probably have to ask if there's further
23
    discussion and take a vote on this stuff.
2.4
    pretty much have to have open discussion for this.
25
                         So --
                 Okay.
```

```
1
                  MR. THOMPSON: We can leave it alone.
 2
    We can just leave it.
 3
                  MR. DEASON:
                               \mathrm{N}\,\mathrm{o} .
                                     I don't mean this
 4
    one in particular.
 5
                  MR. THOMPSON:
                                Oh.
 6
                  MR. DEASON: So "small track or
 7
    wheel"?
 8
                      THOMPSON:
                  MR.
                                 Yes.
 9
                  MR. DEASON: Is there any other
10
    comment on that?
11
                  (No verbal response.)
12
                  MR. DEASON:
                                That's changed.
13
                  The next is Central Mix Plant or
14
    Scale Operator.
                      Take out asphalt or concrete,
15
    Item Number 4, and add "one who weighs materials
    in trucks prior to deliveries; records net and
16
17
    gross weights, truck numbers and kinds of
18
    materials; may weigh empty trucks on the truck
19
    scale in order to compute net weights; may issue
20
    weight tickets; and may perform other related
2.1
    duties."
22
                  MR. WRIGHT: Can I make a general
23
    comment about this whole Class D section?
                                                  I count
2.4
    24 things in the header and 20 descriptions.
```

I think they're going to be -- should we just go

```
1
    down and somehow verify that we have the right
 2
    the 20 are correct?
 3
                 MS. MCGAURAN: That's what I was
 4
    suggesting up front. Like do we just not get rid
 5
    of the short version and then make sure that the
 6
    more detailed descriptions are accurate, in the
 7
    right spot? Because you've got a lot of variation
    and they don't follow the same order. It's really
 8
 9
    hard to double-check.
10
                 MR. WRIGHT: This one is particularly
11
    confusing, as I sit here and try to audit it.
                                                     Ι
12
    mean, you know, like if I read down Number 1,
    Bituminous Distributor Machine Operator, is that
13
1 4
    in the heading?
15
                 MS. DIEFENBACH: That's at the very
16
    bottom.
17
                 MR. THOMPSON: Yes.
                 MR. WRIGHT: Okay. Skid Steer
18
19
    Operator, is that in the heading?
20
                 (Affirmative response.)
2.1
                 MR. WRIGHT: Boring Machine Operator
22
    Horizontal.
23
                 MS. MCGAURAN: We added it.
2.4
                 MS. WHITTAKER: It is now.
25
                 MR. WRIGHT: Okay.
```

```
MS. MCGAURAN: But Concrete Pump
 1
 2
    that's in the heading isn't in there.
 3
                 MR. WRIGHT: Central Mix Plant is
 4
    there. Concrete Saw Operator.
 5
                 MS. MCGAURAN: Yes.
 6
                 MR. WRIGHT: Curb Machine Operator.
 7
                 MS. MCGAURAN: Yes.
                 MR. WRIGHT: Curb Machine Operator
 8
 9
    Manual.
10
                 MS. WHITTAKER: Yes.
11
                 MR. WRIGHT: Distributor Operator.
12
                 MS. MCGAURAN:
                                 No.
13
                 MS. WHITTAKER: Yes.
1 4
                 MR. THOMPSON: Yes.
15
                 MR. WRIGHT: Well, but it's -- you
16
    also got on the very first one, for 1. Is 1 and
17
    13 -- or 8 the same?
                 MS. MCGAURAN: Where is the
18
19
    Distributor Operator? I quess I don't see it.
20
                 DEPUTY COMMISSIONER SCOTT: Number 8.
2.1
    Item 8.
22
                 MR. HERROD: Number 8.
23
                 MS. MCGAURAN: I know. But I don't
2.4
    see it on Class D.
25
                 MR. WRIGHT: It's on the last --
```

```
1
    second --
 2
                 DEPUTY COMMISSIONER SCOTT: Second to
 3
    the last.
 4
                 MR. WRIGHT: Third paragraph, third
 5
    line from the bottom, Bituminous.
 6
                 MR. THOMPSON: Oh, that one needs to
 7
    be stricken.
                 MR. WRIGHT:
                              Which one?
 8
 9
                 MR. THOMPSON:
                                The very first one.
                 MR. WRIGHT: Bituminous Distributor
10
11
    Machine?
12
                 MR. THOMPSON:
                               Yeah, because it's not
13
    used to spread level bituminous paving material.
1 4
    That's not the better description.
15
                 MR. WRIGHT: Okay. So 1 needs to be
16
    stricken?
17
                 MR. THOMPSON: Yes.
                 MR. WRIGHT: And then the title needs
18
    to be corrected in the Class D Operator paragraph,
19
20
    too.
         Bituminous needs to match -- well, if you
2.1
    look at Number VIII, Roman Numeral VIII,
22
    Distributor Operator Bituminous is what it says.
23
                 MR. THOMPSON:
                                 This one says
2.4
    Bituminous Distributor Machine.
25
                 MR. WRIGHT: So we've got it twice.
```

```
1
                 DEPUTY COMMISSIONER SCOTT:
 2
                 MR. WRIGHT: Somebody pick one.
 3
                 Scott, you're the paver guy.
                 MR. THOMPSON: I think you should do
 4
 5
    VIII.
 6
                 MR. DEASON:
                              Keep VIII or strike
 7
    VIII?
 8
                     THOMPSON:
                                 Keep VIII.
                 MR.
 9
                 MS. MCGAURAN:
                                 Strike 1.
10
                 DEPUTY COMMISSIONER SCOTT:
                                               Strike 1.
11
                 MR. WRIGHT: Which will mean the name
12
    needs to be corrected to match Number VIII in
13
    initial paragraph 6.
1 4
                 MR. DEASON:
                              Okay.
15
                 MS. MCGAURAN: I'm going to go back
16
    to my question.
                     Do we need the names in the
17
    paragraphs at all?
                        Can we just strike them
18
    throughout and make sure what's below is correct?
19
                 MR. WRIGHT:
                              If we can get through
20
    four more, we're done.
2.1
                 MS. MCGAURAN:
                                Okay.
22
                 MR. WRIGHT: That's all I'm offering.
23
                 MS. MCGAURAN:
                                I'm just thinking for
2.4
    the person looking at it, who's trying to figure
25
    it out.
             That's who I'm thinking about, not us.
```

```
1
                 MR. WRIGHT: I think that honestly --
 2
    the honest answer, I think the descriptions help
 3
    the people trying to figure it out, the
    definitions.
 4
 5
                 MS. MCGAURAN:
                                Okay.
 6
                 MR. THOMPSON: But the short version,
 7
    which is what you're talking about, there's an
    argument to get rid of those. The long version
 8
 9
    needs to stay.
                 MS. MCGAURAN: Well, I was thinking
10
11
    the long version for sure stays.
12
                 MR. WRIGHT: Oh, okay.
13
                 MS. MCGAURAN: I was thinking, do we
14
    need the short version? As long as we know we've
15
    got the right things described adequately in the
16
    longer version, should we just get rid of the
17
    shorter version? Because they're not in the same
            They're not exactly the same words all the
18
19
    time. It just seems like an editing nightmare.
20
                 MR. HERROD: You would just need to
2.1
    clarify, you start that off, "Class D Operator is"
22
    or "is defined" --
23
                 DEPUTY COMMISSIONER SCOTT:
                                              "As
2.4
    follows."
25
                 MR. HERROD: -- "as follows."
```

```
1
                 MS. MCGAURAN:
                               Right.
 2
                 DEPUTY COMMISSIONER SCOTT:
                                               And
 3
    that's it.
 4
                 MR. HERROD: And that's it, and then
 5
    just --
 6
                 MS. MCGAURAN:
                                Yeah.
 7
                 MR. WRIGHT: Well, she's been trying
    to say it and nobody would listen to her.
 8
 9
                 MR. HERROD:
                               I was listening to her.
10
                 MR. WRIGHT: I wasn't. I was shaking
11
    my head.
12
                 We'll have -- the same issue will
    exist with Skilled Laborer and probably Unskilled.
13
14
                 MS. MCGAURAN: Well, my point is once
15
    we realize that the long descriptions are the
16
    right people and the right things, then I think
17
    you can just go ahead and delete all of those.
    They're helpful this time for us, a double-check,
18
19
    right, to make sure we've got everything covered.
20
    But that's it.
2.1
                 I don't think Chance needs to spend a
22
    lot of time correcting those because they're still
23
    confusing and there's no way to make them exactly
2.4
    the same.
25
                 MR. HERROD:
                               So are we saying you
```

```
1
    want to just strike the short version altogether
 2
    on all of them?
 3
                 MS. MCGAURAN: (Nods head.)
 4
                 MR. HERROD: Okay. So we don't have
 5
    to get the short version to match the longer
    version.
 6
 7
                 MR. DEASON: As long as the Roman
 8
    numerals -- the definitions are acceptable, the
 9
    rest is somewhat redundant anyway.
                 MS. MCGAURAN: Yeah. And it's more
10
11
    likely to create confusion.
12
                 The only thing that I would want to
    make sure is that your Skid Steer, now Operator in
13
14
    the longer definition, you put in the parentheses,
    "track or tire." Right?
15
16
                 So yeah, on Number 2, yeah, you've
17
    got "track or wheel" there. That's fine.
                 MR. DEASON: Should that be in
18
19
    parentheses, "track or wheel"?
                 MS. MCGAURAN: No. I think as long
20
2.1
    as it's in there, I think that's what Scott was
22
    looking for.
23
                 MS. XIXIS: I have a question.
                                                  Tia
2.4
    Xixis, Chief of Staff for the Department.
25
                 Chance, thinking about rules and
```

```
1
    TDOT, about publications, as well as prevailing
 2
    wage folks, if we do this, is that going to change
 3
    anything that we already have in print or a need
    or comparisons back to what's in the statute if we
 4
 5
    eliminate that? Like how is it in the statute,
    some of these terms? Do we know?
 6
                                        That if we
 7
    eliminate some of the specifics there...
                 MS. MCGAURAN:
                               It's the same words.
 8
 9
    What we're saying is we're just saying it twice.
10
                 MS. XIXIS: I don't have any
11
    references.
                 Because I was, like, are we going to
12
    need law changes?
                              Not in -- I don't --
13
                 MR. DEASON:
                 MS. XIXIS: You don't think so?
1 4
15
                 MR. DEASON:
                              N \circ .
16
                 MS. XIXIS:
                              Okay.
17
                 MR. DEASON: Not in ours.
                 MS.
                     XIXIS: But we would have to
18
19
    change it if it was -- but that's...
20
                 Matthew, do you have anything?
2.1
                 MR. GROVE:
                              No.
22
                 MS. XIXIS:
                              No?
23
                              So it looks like we can
                 MR. DEASON:
24
    go without the shortened version.
25
                 MS. MCGAURAN: Just let the longer
```

```
1
    definitions rule, which is good.
 2
                 MR. HERROD: Do you want these
 3
    alphabetically? I mean, we can do that. Just
    move it around.
 4
 5
                 MS. MCGAURAN: It looks like they
 6
    were originally.
 7
                 MR. HERROD:
                             Yes.
                                    And then we added
    some. Skid Steer starts off on it.
 8
 9
                 MS. MCGAURAN: Yeah. To make it
    consistent, that's a good catch. Make it easier
10
11
    for people to find what they're looking for.
12
                 MR. WRIGHT: I agree. I've just been
13
    afraid to say it.
                 MR. DEASON: So we want to start with
14
15
    Class A Operator, right?
16
                 MS. MCGAURAN: "As defined below," or
17
    whatever you think.
                 MR. DEASON:
                             "Class A Operator."
18
                 MR. WRIGHT: "Is further defined as
19
    follows" or "further defined."
20
2.1
                 Is that right?
22
                 MS. MCGAURAN: Uh-huh.
23
                 MR. DEASON: So this would be an
24
    opportunity, too, to -- do we want limiting
25
    language in there or -- "includes but is not
```

```
1
    limited to a Class A Operator"?
 2
                 MS. MCGAURAN: I think that's -- I
 3
    mean, are you -- I think this goes to in the
 4
    absence of any additional modifications, right, if
 5
    you come up with somebody who does something, and
 6
    they say that, well, they're called "X," right,
 7
    but they generally fall within this group, are
    they allowed to count them with that group or not?
 8
 9
                 I mean, so like, for instance, like
    you said before, like one of the names -- so say
10
11
    they had a backhoe operator, right, or a hydraulic
12
    excavator before, could they have included the
13
    hydraulic excavator with the backhoe operator,
14
    because they're generally considered to be the
15
    same class?
16
                 And what he's saying is if you want
17
    to allow for that, then you need to say, you know,
    "Class A is defined but not limited to as below."
18
19
    So then if somebody else says we missed one, but
20
    this person is in that same classification, in my
2.1
    opinion, then I can put -- I can include their
22
    wage in my recording.
23
                 MR. THOMPSON:
                                I understand vour
24
    question, but I'm thinking here because --
25
                 MR. WRIGHT: To me, it's more about
```

```
1
    the Department of Labor's purview on that than the
 2
    industry. Because if I have someone that I want
    to pay a class operator scale and they're doing
 3
 4
    something else, we can always pay them over the
 5
    qualification that they're based on.
                 But I've never had a situation where
 6
 7
    I thought, well, this needs to be added to the
    Class A. And if they did, I thought -- I would
 8
 9
    think that's the work of this group here, to bring
10
    it -- someone would bring it to -- we have a new
11
    fancy machine operator that we need to define.
                                                      So
12
    I don't --
13
                 MR. DEASON:
                               I think taking
14
    subjectivity out of it is the way to go.
15
                 MS. MCGAURAN:
                                 Okay.
16
                 MR. WRIGHT: I don't know what to
17
    say.
18
                 MR.
                     THOMPSON:
                                 Yeah.
                                        I guess my
19
    thought would be is if we deemed it one way and
20
    then, by the language, they were to come and file
2.1
    with the Department of Labor, how would that be
22
             I mean, to me, that's what it's about, is
    viewed?
23
    how is the Department of Labor going to read it,
24
    you know, I mean, by the language? I mean,
25
    that's -- because we would -- I mean, I would
```

```
1
    think we could fit them in these buckets.
                                                But all
 2
    of a sudden, if they start trying to make an
 3
    argument and they go to the Department of Labor
    because it's not spelled out specifically, how is
 4
 5
    the Department of Labor going to view that?
 6
                 MR. WRIGHT: So you're saying don't
 7
    leave wiggle room.
                 MR. THOMPSON: I'm saying if you
 8
 9
    leave -- if we leave wiggle room, then it could
    end up back with the Department of Labor.
10
11
                 MR. HERROD: Just make it clean.
12
                 MR. DEASON:
                              "Class A Operator is
13
    defined as follows, " colon?
14
                 MR. WRIGHT: Yes. I would prefer
15
    that.
16
                 MR. HERROD: It's easier for
17
    everyone.
                 MS. MCGAURAN: I think you want to
18
19
    say "follows."
20
                 MR. DEASON: Yes.
2.1
                 MS. MCGAURAN: And I think you want
22
    to copy that because you're going to use that a
23
    lot.
2.4
                 MR. DEASON: That is true.
25
                 And so are we going to go to Class B
```

```
1
    and do the same thing?
 2
                 MS. MCGAURAN:
                                Uh-huh. Yes.
 3
                 MR. HERROD: Yes.
                 MR. DEASON:
                              And then Class C.
 4
 5
                 MR.
                     WRIGHT:
                               A, B, C, and D.
 6
                 MR. DEASON:
                               Okay.
                 MS. MCGAURAN: One more.
 7
                 MR. THOMPSON: One more.
 8
 9
                 MS. MCGAURAN: Class D.
                 MR. DEASON: Oh, that's right,
10
11
    Class D.
12
                 MS. MCGAURAN:
                                So then we were
13
    looking through each of these. So Skid -- we
14
    changed Bobcat to Skid Steer, track or wheel.
                                                    N \circ w
15
    we can just scroll down through.
16
                 MR. DEASON: I went to the Central
17
    Mix Plant. You want me to just go through where
    there are changes made and just read those out?
18
                 DEPUTY COMMISSIONER SCOTT: Yes.
19
20
                 MR. DEASON: Okay.
                 MS. MCGAURAN: I guess -- or you can
2.1
22
    pull it up and say these are the changes; does
23
    anybody have any questions? And we can keep
24
    going.
25
                 MR. DEASON:
                               So under D, the Central
```

```
1
    Mix Plant or Scale, I believe I read that out.
                                                     Wе
 2
    added Scale, took out "asphalt or concrete" and
 3
    added one who weighs materials in trucks prior to
 4
    deliveries; records net and gross weights -- I
 5
    read all that out.
 6
                 Does anybody have an issue with that?
 7
                 MS. MCGAURAN: Okay.
                 MR. DEASON: No change to Concrete
 8
 9
    Saw Operator; no change to Curb Machine Operator
10
    Automatic; no change to Curb Machine Manual; no
11
    change to Distributor Operator Bituminous.
12
                 There was some discussion about
13
    bituminous.
                 Is that one still good, Number VIII?
                 MS. MCGAURAN: I think so.
14
15
                 MR. DEASON: Okay. IX, Dozer or
16
    Loader. Dozer or Loader Stockpile Only. The only
17
    thing that was changed was to add -- is Stockpile.
                 MS. MCGAURAN: Uh-huh.
18
19
                 MR. DEASON: All right. And X, Drill
20
    Operator, took out "piling" and changed -- in that
2.1
    same sentence, it says, "one who sets up and
22
    operates a drill mechanism, auger or core barrel,
23
    for, " and we struck "driving" and put "for
2.4
    drilling for piling." Is that correct?
25
                 (No verbal response.)
```

```
1
                 MR. DEASON: Okay. And then at the
 2
    last part of that, everything remained the same
 3
    except "and may perform other related duties.
 4
    Drilling may be vertical or horizontal."
 5
                 MS. MCGAURAN:
                                 Can I just ask, up
 6
    above, "for drilling for piling"; for, for?
 7
                 MR. DEASON: Yeah. That doesn't look
 8
    right.
 9
                 MS. MCGAURAN:
                               It just doesn't look
            Is there another word that is as accurate?
10
    right.
11
                 MR.
                     THOMPSON: Or for drilling pile.
12
                 MR. DEASON: "For drilling piling."
13
    Okay.
14
                 MS. MCGAURAN:
                               Okay.
15
                 MR. DEASON: Yeah. That did not...
16
                 MS. MCGAURAN:
                               Okay.
                                        Thanks.
17
                                So up above, on the
                 MS. WHITTAKER:
    Dozer or Loader, right before that -- sorry -- I
18
19
    thought we had deleted "Stockpile Only," struck
20
    that and left "Dozer or Loader means one who
2.1
    operates a rubber tire."
                 MR. THOMPSON:
22
                               No.
                                      This was -- what
23
    we're trying to do here is we're trying to get
24
    somebody who's working the piles. Like they could
25
    be loading bins. They could be pushing millings.
```

```
1
    They could be -- so it's pushing on a stockpile or
 2
    working a stockpile, not -- because then you get
 3
    into the different sized loaders. Remember,
 4
    because we've got a big loader, little loader, all
    that or whatever.
 5
 6
                 MR. WRIGHT: You're basically
 7
    differentiating somebody that feeds an asphalt
 8
    planter or a concrete planter.
 9
                 MR. THOMPSON: That's correct, or
10
    working a pile, just pushing on a pile.
11
                 MR. WRIGHT: Or pushing it back up.
12
                 MR.
                     THOMPSON: Right, a stockpile.
13
                 MR. WRIGHT: Somebody that works at
14
    the plant versus out on the job, really.
                 MR. THOMPSON: I mean, they could be
15
16
    on a plant that's on site, but they're just
17
    doing ...
                 MR. DEASON: So do we leave that
18
19
    "Stockpile" on there?
20
                 MR. THOMPSON: That's correct.
2.1
                 MR. DEASON: Okay. Drill Operator,
22
    piling.
23
                 MS. MCGAURAN: You already did that
24
    one.
```

We did that one.

MR. DEASON:

```
1
                 Mulcher or Seeder Operator, no
 2
    change.
 3
                 XII, Pile Driver Operator, no change.
                 MR. WRIGHT: We talked about that
 4
 5
    last time.
                Is there such a thing as a Pile Driver
 6
    Operator?
 7
                 MR. THOMPSON: Because you're doing
 8
    it on a crane.
 9
                 MR. WRIGHT: Because you're doing it
    out of a crane and there's the -- I don't --
10
11
                 MS. WHITTAKER: I thought we decided
12
    to just leave it.
                 MR. WRIGHT: Okay. Was that in honor
13
14
    of Brian, probably?
15
                 MS. WHITTAKER: Possibly.
16
                 MR. WRIGHT: Okay. Works for me.
                                                      Т
17
    don't really know when I would have one, but it's
18
    all good.
                 DEPUTY COMMISSIONER SCOTT:
19
                                               A 1 1
20
    right. Next.
2.1
                 MR. DEASON: All right. Pump
22
    Operator, no change.
23
                 We struck Roller Operator Asphalt.
2.4
                 MR. THOMPSON: We moved it.
25
                 MR. DEASON: Oh, okay. And then XIV
```

```
1
    becomes Roller Operator Other than Asphalt.
 2
    educated me that "sheepsfoot" is the proper term
 3
    there.
                 MR. THOMPSON: Yes.
 4
                 MR. DEASON: Soil Stabilization
 5
 6
    Machine Operator, no change.
 7
                 Striping Machine Operator. I just
 8
    thought that was a typo. Okay.
 9
                 After Striping Machine, Track Drill
10
    Operator, it looks like no change.
11
                 Tractor Operator Boom and Hoist, no
12
    change.
13
                 And then we get into the trucks.
14
                 Truck rigid frame or articulated
15
    off-road Operator, Number XIX.
16
                 MR. THOMPSON: That's correct.
17
                 MR. DEASON: Okay. And then Power
18
    Broom Operator.
19
                 MR. THOMPSON:
                                 That's correct.
20
                 MR. DEASON: Number 7, Concrete
2.1
    Finisher, no change.
22
                 8, Drill Operator Caisson or Drilled
23
    Shaft, added at the end of that one, "Generally
2.4
    used for caissons or shafts greater than 72 inches
```

25

in diameter."

```
1
                 Electrician, no change.
                 Farm Tractor Operator, struck "power
 2
 3
    broom" from that and struck "small" from "gasoline
    or diesel powered." Let's see. And then under
 4
 5
    the Note, "The tractor is used to pull," struck
 6
    "pneumatic," "used to pull compaction equipment or
 7
    farm implements and is operated by steering with
    the wheel and brake clutch."
 8
 9
                 MR. THOMPSON: That's correct.
10
                 MR. DEASON: Ironworker, no change.
11
                 Ironworker - Structural, no change.
12
                 Large Crane Operator, made that to
13
    say "greater than 50 tons," from 20, up from 20.
14
                 14 is Mechanic - Class I Heavy Duty,
15
    no change.
16
                 15 is Light Duty Mechanic, no change.
17
                 16, Painter or Sandblaster, no
18
    change.
19
                 17, Skilled Laborer, where we, let's
20
    see, struck "survey helper/rod man," and
2.1
    "further" -- and then we have "is further defined
22
    as follows."
23
                 MS. MCGAURAN: So I think this is
24
    where you want to get rid of all that stuff. We
25
    want to make sure that the --
```

```
1
                 MR. THOMPSON: The top, yeah.
 2
                 MR. DEASON: "Skilled Laborer is
 3
    defined as follows, " colon?
                 MS. MCGAURAN:
 4
                                 Yeah.
 5
                 MR. THOMPSON:
                                Yes.
 6
                 MR. DEASON: Okay. Air Tool
 7
    Operator, no change.
 8
                 Asphalt Raker, no change.
 9
                 Chain Saw Operator, no change.
10
                 Concrete Mixer Operator, Less Than
11
    1 Yard.
             Cubic yard?
12
                 MS. WHITTAKER: Yes.
                 MS. MCGAURAN: Probably not all
13
14
    capitals either.
15
                 MR. DEASON: Did we have "one"
16
    spelled out before?
                 MS. MCGAURAN: No.
17
                                      It's the number,
18
    not the word.
19
                 MR. DEASON: Okay. That was the --
20
    no change in that.
2.1
                 Concrete Rubber, no change.
22
                 Fence Erector, no change.
23
                 Form Setter Steel Road. Is that
            "Steel Road" or "Rod"? "Steel Road" is
24
    right?
25
    correct for 6?
```

```
1
                 MS. MCGAURAN: So the only thing I
 2
    would say is that up at the top -- and I only
 3
    noticed it because you did some editing to it.
 4
    Mechanic's helper was listed under Skilled
 5
    Laborer, but it's not listed below.
 6
                 MR. DEASON: Okay. Would that be
 7
    considered skilled labor, tire change and oil
 8
    change?
 9
                 MR. THOMPSON: You could almost take
    the mechanic's helper --
10
11
                 MS. MCGAURAN:
                                Uh-huh.
12
                 MR. THOMPSON:
                                We could almost take
13
    the Welder's Helper and do a little modification
1 4
    and make it --
15
                 MR. WRIGHT: A mechanic's helper over
16
    the years -- where would you put an oiler in this?
17
                 MR. THOMPSON: Skilled.
                 MR. WRIGHT: As a skilled labor?
18
19
                 MR. THOMPSON: Uh-huh.
20
                 MR. WRIGHT: So a mechanic's helper
2.1
    or --
22
                 MS. MCGAURAN:
                                 Because you guys had
23
    added to mechanic's helper, "tire changer or
2.4
    oiler" --
25
                 MR. WRIGHT:
                               Okay.
```

```
1
                 MS. MCGAURAN: -- in parentheses
 2
    after that, and that's when I noticed that we
 3
    don't have it defined down below.
                 MR. THOMPSON: We have to write a
 4
 5
    description for that one.
 6
                 MS. MCGAURAN:
                               So if you copy the
 7
    Welder's Helper --
                               Well, I'm just saying
 8
                 MR. THOMPSON:
 9
    you can start off that way and just kind of
    start --
10
11
                 MS. MCGAURAN: Let's call it
12
    Mechanic's Helper, and in parentheses say "tire
    changer or oiler," and then you guys define it.
13
14
                 MS. WHITTAKER: Could you use any of
15
    the description from 15, the Mechanic - Class II
16
    Light Duty? Or could you say mechanic's helper is
17
    one who assists a heavy duty or light duty
    mechanic?
18
19
                 MR. THOMPSON: I think that would be
20
    much better. And also oils or fuel -- you could
2.1
    put like "oils or fuels." Could you do it that
22
    way?
23
                 MR. WRIGHT:
                             Excuse me. An oiler is
24
    basically like a routine maintenance person. He
25
    does daily maintenance. Is that a fair way of
```

```
1
    saying that?
 2
                 MR. THOMPSON: Uh-huh.
 3
                 MS. WHITTAKER: So a mechanic's
 4
    helper is one who assists a mechanic.
 5
                 MR. WRIGHT: And does routine
 6
    daily --
 7
                 MS. WHITTAKER: Maintenance.
                 MR. WRIGHT: -- maintenance.
 8
 9
                 MR. THOMPSON: Including.
10
                 MR. WRIGHT: Including, yeah.
11
    Including oil and fuel.
12
                 MR. THOMPSON:
                                 Including oil and --
                 MS. MCGAURAN: Including tire
13
14
    changing and oiling.
15
                 MR. THOMPSON: Right. That's it.
16
                 MR. DEASON: "Mechanic's Helper means
17
    one who assists" --
                 MR. THOMPSON:
18
                                Assists, yes.
                                                Assists
19
    a mechanic and performs --
20
                 MR. DEASON: Do we need to say heavy
2.1
    and light duty mechanics or just --
22
                 MR. THOMPSON:
                                 I think it could be
23
    either, don't you? I mean, I don't --
2.4
                 MS. MCGAURAN: A mechanic.
25
    Mechanics, yeah.
```

```
1
                 MR. THOMPSON: With -- wait a minute.
 2
    Let's see here. Assists mechanics --
 3
                 MR. DEASON: There might be more than
 4
    one.
 5
                 MR. THOMPSON: -- and performs
 6
    routine maintenance.
 7
                 MS. MCGAURAN: Including tire
 8
    changing and oiling.
 9
                 MR. THOMPSON:
                               Is that good?
10
                 MR. WRIGHT: Looks good to me.
11
                 MR. THOMPSON: It doesn't really need
12
                                               I think
    fueling in there, I don't think, does it?
13
    that's kind of given. Okay. That's kind of
14
    almost the same person.
15
                 MR. DEASON: Okay. Form Setter Steel
    Road, Guard Rail Erector, no change.
16
17
                 Handler, no change.
18
                 Added Mechanic's Helper.
19
                 Nozzleman or Gunman, Gunite, no
20
    change.
2.1
                 Pipelayer, no change.
22
                 Sign Erector, no change.
23
                 Welder's Helper, no change.
2.4
                 After that, 19, Survey Instrument
25
    Operator was struck and, I think, maybe moved.
```

```
1
                 And we've got Sweeping Machine,
    Vacuum, Operator.
 2
 3
                 Then we get back into the trucks.
                 Number 19, Truck Driver. We have
 4
 5
    "on-highway straight trucks with a GVWR of
    26,001 pounds or more." Struck "multi rear axle."
 6
 7
    Replaced "bends" with "beds." And that's where
    that one stands.
 8
 9
                 MR. THOMPSON: It's good.
10
                 MR. DEASON: Good? All right.
11
                 Truck Driver, on-highway combination
12
    trucks with a GVWR of 26,001 pounds or more.
13
    Added to that, "transport construction equipment
    and materials."
1 4
                 MS. MCGAURAN: Can I ask if we have
15
16
    26 -- why is it 001?
17
                 MR. WRIGHT: It's the way the federal
    law is written.
18
19
                 MS. MCGAURAN:
                                 Interesting. Okay.
20
    Thanks.
2.1
                 MR. WRIGHT: I think.
                                 It is.
22
                 MR. THOMPSON:
23
                 MR. WRIGHT: I don't know why.
2.4
                 MR. THOMPSON: Is it 26,000 or 26
25
    dot --
```

```
1
                 MR. WRIGHT: 26,001. I've always
 2
    thought it was 0-1.
 3
                 MR. THOMPSON: It's more than
    26,000 pounds.
 4
 5
                 MS. MCGAURAN: So it should just
 6
    be -- or should it just say with a GRE of more
 7
    than 26,000 --
                 MR. THOMPSON:
 8
                                Right.
 9
                 MS. MCGAURAN: -- or less than,
10
    right?
11
                 MR. THOMPSON: No; just more than for
12
    both of them.
13
                 MS. MCGAURAN: More than. Instead of
14
    "or more," it should say "more than 26,001" at the
15
    top.
16
                 MR. THOMPSON: It should be "GVWR of
17
    more than 26,000 pounds."
                 MR. WRIGHT: 26,001, more than.
18
19
                 MR. THOMPSON: Technically. We're
20
    arguing over 16 ounces here. 15 ounces, if you
2.1
    want to get technical.
22
                 MS. MCGAURAN: The biggest thing is 1
23
    is just such a weird number.
2.4
                 So both of those should just not have
25
                    The one above as well.
    the 1 anymore.
```

```
1
                 MR. WRIGHT: Actually, the federal
 2
    law says 26 -- more than 26,000 pounds.
 3
                 MR. THOMPSON: That's right.
                 MR. WRIGHT: So that would be 26,001.
 4
 5
                 MR. THOMPSON: Well, no. It could be
    26,000 pounds and --
 6
 7
                 MR. WRIGHT: 8 ounces?
                 MR. THOMPSON: Right.
 8
 9
                 MR. WRIGHT: Okay. If we get that
    close, we're --
10
11
                 MR. THOMPSON: I promise you, they're
12
    going to the nearest.
13
                 MS. MCGAURAN: So that would be "more
14
    than" up at the top there where you're at. "More
15
    than."
16
                 MR. THOMPSON: Is it 10 percent?
17
    There is a variance there.
                 Ann, all we're trying to do here is
18
19
    capture CDL drivers. That's the whole...
20
                 MS. MCGAURAN: Yeah.
2.1
                 And there's -- on 20, in that closed
22
    parentheses, you've got an extra "e." Okay.
23
                 MR. DEASON: 22, Truck Driver was
2.4
    stricken.
25
                 And then we get to 21, Unskilled
```

```
1
    Laborer. And that is cleaned up quite a bit.
                                                    All
 2
    of these, really, but this one in particular.
                 MS. MCGAURAN:
                               Does that look good?
 3
                 MR. THOMPSON: Yeah. That's the
 4
 5
    Dewayne, bricklayer's job, Commissioner down there
 6
    at the bottom.
 7
                 MR. HERROD: Is it "stripes forms" or
    "strips forms"?
 8
 9
                 MS. MCGAURAN:
                                 Strips.
10
                 MR. THOMPSON: Strips.
11
                 MR. HERROD: Strips forms.
12
                 MR. DEASON:
                             Where does it say that,
13
    Tom?
                 MR. HERROD: It's the fourth line
14
15
    down, but it's right. It's okay like it is.
16
                 MR. DEASON: And then add that long
17
    section, "proportions materials for mortar/grout
18
    and mixes them by hand or with machines; lays
19
    brick pavers or retaining wall blocks; performs
20
    basic surveying tasks such as moving stakes or
2.1
    taking measurement."
22
                 MS. MCGAURAN:
                               Okay. So these are
23
    the things that got removed. They just got moved
2.4
    into Unskilled Labor. Okay. Cool.
```

MR. DEASON: "And may perform other

```
1
    related duties."
                      That was all stricken.
 2
                 MS. MCGAURAN: And then we just have
 3
    Worksite traffic.
                 MR. DEASON: And then the mixer was
 4
 5
    moved, the descriptions moved.
 6
                 So the last one in this section,
 7
    Worksite Traffic Coordinator, change that to mean
    a certified person who supervises and coordinates
 8
 9
    activities of workers engaged in erecting signs or
    devices and may perform other related duties --
10
11
    signs or devices used in work zones and may
12
    perform other related duties.
13
                 MS. MCGAURAN: So this isn't a
14
    flagman, a flagman unskilled labor?
15
                 MR.
                     THOMPSON:
                                 Right.
16
                 MS. MCGAURAN:
                                 Okay.
17
                 MR. WRIGHT: That's a very, very
18
    important job.
19
                 MR. THOMPSON:
                                Most of those are
20
    salary. You won't have very many that are
2.1
    afforded that.
22
                 MR. WRIGHT: Because a wreck, that
23
    gets checked so diligently.
2.4
                 MR. DEASON: Does anybody have a
25
    problem with that one?
```

```
1
                  (No verbal response.)
 2
                 MR. DEASON: Okay. So I think the
 3
    rest of the rules in this chapter, there's nothing
 4
    there to change.
 5
                 I'll just mention it. At the very
 6
    bottom, Copy Fee, I just added a section down
 7
            The fees set for public records requests,
    there.
    copies we make are by this Office of Open Records
 8
 9
              And I just changed that to if the
    Counsel.
10
    copies -- the schedule by the Open Records Counsel
11
    conflicts with what we have in here, that the Open
12
    Records Counsel's schedule controls in case this
13
    50 cents, 15 pages -- or 15 cents a page changes.
14
    So we don't have to come back and change this one,
15
    hopefully ever.
16
                 MS. MCGAURAN:
                                 But right now, the
17
    words above it matches what the Records Counsel
18
    dictates.
19
                 MR. DEASON:
                              It does at this point.
20
                 MS. MCGAURAN: Yeah.
2.1
                 DEPUTY COMMISSIONER SCOTT: So how do
22
    we -- do we want to have a motion to --
23
                 MR. DEASON:
                             If I may, Mr. Chairman,
2.4
    I think we should call for a motion to entertain
25
    further discussion on any of these items.
                                                And
```

```
1
    then I think there's too much to go individually,
 2
    but if we, I think -- and I'm just thinking
 3
    through this.
                   The changes that we've discussed
 4
    today and made in this document, if we vote to
 5
    adopt those and submit for a change to the
 6
    Secretary of State's office, submit for a rule
 7
    change.
                 DEPUTY COMMISSIONER SCOTT:
 8
 9
    Can I have a motion from someone for what he just
10
    said?
11
                 MR. THOMPSON: So moved.
12
                 MS. MCGAURAN:
                                I think the motion --
13
    the first thing is you want to ask is there a
    motion for any further discussion on this
14
               I would like to move that there be no
15
    document?
16
    further discussion on this document.
17
                 MR. WRIGHT: Second.
                 MR. DEASON:
                               So the motion will be to
18
19
    accept the changes in this document that's on my
20
    computer, that's on the screen.
2.1
                 MS. MCGAURAN:
                               Right.
                 Then we would like to move to accept
22
23
    all the changes in this document that are on the
24
    computer, on your screen. The only correction
```

would be alphabetizing those things that may not

```
1
    currently be alphabetized.
 2
                  So moved.
 3
                  DEPUTY COMMISSIONER SCOTT: Motion.
    Second?
 4
 5
                 MR. THOMPSON: Second.
                 DEPUTY COMMISSIONER SCOTT:
 6
                                               A11
 7
    right.
            Second.
                 All in favor of accepting the motion,
 8
 9
    state it by saying "aye."
10
                  (Affirmative response.)
11
                  DEPUTY COMMISSIONER SCOTT:
                                               Anv
12
    opposed?
13
                  (No verbal response.)
                  DEPUTY COMMISSIONER SCOTT:
14
                                               Okay.
15
    All those changes as made on the screen there are
16
    accepted. Motion carries. Okay.
17
                 Okay. We've got our future
    prevailing wage meeting dates, September the 12th,
18
19
    November the 14th, and November the 26th, all at
20
    1:30 p.m. It should be in this same room.
2.1
                 And if there's no other items,
22
    Mr. Starwalt, you are recognized.
23
                 MR. STARWALT: Kent Starwalt,
2.4
    Tennessee Road Builders Association.
25
                 May I ask, what the next -- what's
```

```
1
    the procedure from here?
                             What's the next steps
 2
    that happen?
 3
                 MR. DEASON:
                             So we have to
 4
    incorporate all this. It's in the document, but,
 5
    you know, we're going to alphabetize it. And a
 6
    couple of minor -- I see a couple of minor
 7
    formatting changes. But the substance of the
    document will be submitted with the forms required
 8
 9
    by the Secretary of State's office.
10
    Governor's office has to look over it and give
11
    their okay. The Attorney General's office has to
12
    look over it and give their okay, submit it to the
13
    Secretary of State's office.
14
                 There will be a public hearing where
    people will have the opportunity to say whatever
15
16
    they may want to say. The Government Ops
    Committee will have to approve it in our
17
                 And then if there's no hiccups in
18
    legislature.
19
    the road, it will sit for a certain amount of time
20
    in the Secretary of State's office and will become
2.1
    effective. We're trying to beat a certain date.
22
    We want it to become effective before the next
23
    letter goes out.
24
                 MR. STARWALT: So a question would be
25
    if we see something -- actually, if we see some
```

- other small changes that may be made, we can do
 that as part of the comment period during the
 rulemaking process, during the hearing -- or
 before the hearing, basically.

 My point is if we catch something
 - My point is if we catch something that we maybe missed, we could just make a public comment as part of the rulemaking, and those changes could be made then as well, if you accept them, if they're accepted by the Department.
- MR. DEASON: Yes. If this body
 11 agrees to that, certainly.
- MR. STARWALT: Okay.

2.1

- MR. WRIGHT: Are you going to send us a copy of when you final draft this? Because that would be the only thing I would like to see. And if they're turned out in the next 96 hours, to be something that we -- so this isn't what we thought we were doing, can we make a motion now to correct minor things? I don't know. I mean, would that require another meeting?
- MR. DEASON: I mean, to be clear, I believe the Board voted on the substance of this document, the wording. If there's a colon that should be a semicolon, that's not a substantive change, that kind of thing. We can't go back and

change a definition without an actual vote of this body.

2.1

put on file, the Secretary of State's, we can -"yank" them is not a good word. We can ask them
to take them off the notice period, and we can
come back and redo something substantial if we
have to within this document. We would like to
get it out.

MR. WRIGHT: I personally don't envision that. I think this is -- I appreciate so much the effort that the Department and the Commission has put into this because it's needed to do it since I've been on this group. We tried it several years ago and ran out of energy before we got this far.

So thank you-all for it. And I believe it will make a difference and it will be cleaner, neater for the people trying to do the work. And I think it will help our reporting. And if we can encourage others to submit more data, it also will be helpful to the process. More information will be included.

If there was a period in the wrong place, I'll fix that. But if you would send us a

copy, it would be nice, so that we kind of know what we truly voted on, because I had like five papers, none of which are the same on it.

2.1

MR. DEASON: I understand that. You can probably tell I was confused at times today, so I think we got it.

DEPUTY COMMISSIONER SCOTT: So,

Chance, we're anticipating -- I'm asking Tia as

well. Does this law occur before September 12th

meeting?

MS. XIXIS: It depends on how long -we don't have any ability to force the Attorney
General's office or the Governor's office to give
us a timely analysis; that it depends on what's in
line in front of us.

I would say, in case there are any substantive changes, that once Chance gets it out -- somebody mentioned 96 hours. That if we get that out for next week, that you-all try to make the commitment to review it; that if there are any substantive changes while he's working on those paperwork pieces, that we know if we need to call up an emergency meeting to try to make those changes sooner than later. Because typically, the process does take more than six months. And so

```
1
    we're already knocking on the door, that we may
 2
    have problems.
 3
                 MR. DEASON: Like Tia said, the two
    things we can't control are the Attorney General's
 4
 5
    office and the Governor's. We can ask that it be
 6
    moved to the front of the line and explain the
 7
    urgency.
                 DEPUTY COMMISSIONER SCOTT:
 8
 9
                 MR. DEASON: They may or may not.
                 DEPUTY COMMISSIONER SCOTT:
10
                                             So
11
    assuming that has occurred, Tom, what will take
12
    place in the September 12 meeting?
13
                 MR. HERROD: We'll go over the survey
14
    letter, survey form -- survey letter and form at
15
    that time, assuming all the changes have been
16
    made, and the survey letter and form will be
17
    changed at that point to reflect what we've done
18
            If it hasn't been, it will be the old
19
    form, the old letter. One way or the other, we'll
20
    have a September 12 meeting.
2.1
                 DEPUTY COMMISSIONER SCOTT:
                                              With
22
    whatever is in place at that time.
23
                 MR. HERROD: Whatever is in place at
2.4
    that time.
25
                 DEPUTY COMMISSIONER SCOTT:
                                              Okay.
```

```
Any other discussion items?
 1
 2
                  (No verbal response.)
 3
                  DEPUTY COMMISSIONER SCOTT: Motion to
 4
    adjourn?
 5
                  MR. WRIGHT: So moved.
 6
                  DEPUTY COMMISSIONER SCOTT:
                                                 Second?
 7
                  MS. WHITTAKER: Second.
 8
                  DEPUTY COMMISSIONER SCOTT:
                                                 In favor
 9
    say "aye."
10
                  (Affirmative response.)
11
                  DEPUTY COMMISSIONER SCOTT:
                                                 Any
12
    opposed?
13
                  (No verbal response.)
14
                  DEPUTY COMMISSIONER SCOTT:
                                                 This
15
    meeting is adjourned.
16
17
                                      END OF PROCEEDINGS.
18
19
20
2.1
22
23
2.4
25
```

1	CERTIFICATE
2	
3	STATE OF TENNESSEE)
4	COUNTY OF WILLIAMSON)
5	
6	
7	I, Cassandra M. Beiling, a Notary Public
8	in the State of Tennessee, do hereby certify:
9	
10	That the within is a true and accurate
11	transcript of the Prevailing Wage Commission
12	Meeting taken on the 26th day of March, 2024.
13	
1 4	I further certify that I am not related to
15	any of the parties to this action, by blood or
16	marriage, and that I am in no way interested in
17	the outcome of this matter.
	the outcome of this matter.
18	
19	IN WITNESS WHEREOF, I have hereunto set my
20	hand this 16th day of April, 2024.
21	WARA M. BANK
22	STATE OF OF
23	* TENNESSEE * Casandia MT
2 4	Cassandra M. Beiling, LCR# 371
25	Notary Public State at Large My commission expires: 3/4/2028