

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

September 17, 2024

ORIGINAL

CASSANDRA M. BEILING, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
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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

8 Chance Deason, Legal Counsel
9 Tennessee Department of Labor

10 Tom Herrod, Assistant Commissioner
Tennessee Department of Labor

11 Lisa Watson, Labor Standards Director
12 Tennessee Department of Labor

13 Kenneth Nealy, Assistant Administrator
Tennessee Department of Labor

14 Jamie Diefenbach, Executive Admin Assistant
15 Tennessee Department of Labor

16 Haley Ann Patel, Labor Standards Admin Supervisor
Tennessee Department of Labor

17 Tia Xixis, Chief of Staff
18 Tennessee Department of Labor

19 Also Present:

20 Kent D. Starwalt
21 Tennessee Road Builders Association

22 Cassandra M. Beiling, LCR
23 Stone & George Court Reporting

24

25

AGENDA

I. Call to Order and Roll Call

II. Introductions and Announcements

III. Adoption of Agenda

IV. Approval of the PW Meeting Transcript

* March 26, 2024-Proposed Rule Changes
"Classification of Covered Workers"

V. Review and Approve Survey Letter and Form

VI. Announcements

*November 14, 2024 - Thursday 1:30pm

*November 26, 2024 - Tuesday 1:30pm

VII. Adjournment

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CHAIRMAN SCOTT: Good afternoon,
everyone. We're going to call to order our
prevailing page commission meeting for
September 17th, 2024. We'll begin with the roll
call.

Gwen Whittaker?

MS. WHITTAKER: Here.

CHAIRMAN SCOTT: Ann McGauran?

MS. MCGAURAN: Here.

CHAIRMAN SCOTT: Scott Thompson?

MR. THOMPSON: Here.

CHAIRMAN SCOTT: Stephen Wright?

MR. WRIGHT: Here, sir.

CHAIRMAN SCOTT: All right all
members are here. We have a quorum.

We'll move right into introductions.
We'll start in our audience with Mr. Starwalt.

MR. STARWALT: Kent Starwalt,
Tennessee Road Builders Association.

MS. WATSON: Lisa Watson, Labor
Standards Director.

MR. NEALY: Kenneth Nealy,
Assistant Administrator with WRC.

MS. PATEL: I'm Haley Patel. I'm

1 the Admin Supervisor for Labor Standards.

2 MS. DIEFENBACH: Jamie Diefenbach,
3 Executive Admin Assistant, WRC.

4 MR. HERROD: Tom Herrod, Assistant
5 Commissioner, WRC.

6 CHAIRMAN SCOTT: Dewayne Scott,
7 Deputy Commissioner.

8 MR. DEASON: Chance Deason, General
9 Counsel of the Department of Labor.

10 MR. THOMPSON: Scott Thompson,
11 Talley Construction Company.

12 MS. WHITTAKER: Gwen Whittaker,
13 TDOT.

14 MR. WRIGHT: Steve Wright with
15 Wright Brothers Construction Company.

16 MS. MCGAURAN: Ann McGauran, state
17 architect.

18 CHAIRMAN SCOTT: I want to remind
19 all members that you should have already -- I
20 think everyone signed the conflict of interest and
21 we all have those submitted now.

22 And Chance, do you want to talk about
23 public comments, an announcement about it?

24 MR. DEASON: Yes. So due to -- not
25 this Commission but due to some occurrences in

1 other meetings of things getting not really out of
2 hand but a little unruly, we ask that if you wish
3 to comment on an agenda item, please sign up in
4 the back. There's a sheet for that purpose. And
5 then you will have a chance to comment after the
6 discussion but prior to a vote being taken. And
7 that's about it.

8 Comments must be limited to
9 actionable agenda items, though, not just random
10 comments or ravings or anything like that, things
11 that will be voted on.

12 CHAIRMAN SCOTT: Thank you, Chance.

13 We'll move to our adoption of the
14 agenda. And I would request a motion to adopt --

15 MR. WRIGHT: I would move for its
16 adoption.

17 CHAIRMAN SCOTT: All right.

18 Mr. Wright, thank you.

19 Do I have a second?

20 MR. THOMPSON: Second.

21 CHAIRMAN SCOTT: All right. Second
22 by Scott Thompson.

23 All in favor of accepting the agenda
24 as submitted, let it be known by stating aye.

25 (Affirmative response.)

1 CHAIRMAN SCOTT: Any opposed?

2 (No verbal response.)

3 CHAIRMAN SCOTT: Motion carries.

4 We have adopted today's agenda.

5 Next we'll move to the approval of
6 the Prevailing Wage meeting transcript from
7 March 26, 2024 for the proposed rule changes under
8 classification of covered workers.

9 Is there a motion to approve that
10 transcript?

11 MR. THOMPSON: So moved.

12 CHAIRMAN SCOTT: So moved by Scott.

13 MS. WHITTAKER: Second.

14 CHAIRMAN SCOTT: Second by Gwen.

15 All in favor of approving the
16 transcript for the March 26 meeting, let it be
17 known by stating aye.

18 (Affirmative response.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No verbal response.)

21 CHAIRMAN SCOTT: That motion
22 carries.

23 Next I'm going to ask Tom Herrod to
24 review the 2024 Prevailing Wage Survey Letter and
25 form with the Commission.

1 MR. HERROD: Thank you, Deputy
2 Scott.

3 You have quite a few handouts in
4 front of you there, but I'm going to talk about
5 right now the cover letter and the survey form, a
6 sample survey form that will be sent out with the
7 survey.

8 The cover letter is the same as last
9 year other than the dates and also the sentence
10 that not to include any wages of apprentices or
11 trainees for any classifications of jobs. That
12 was a problem last year that skewed quite a few of
13 the classifications down, and we had to make quite
14 a few changes and caused the companies to get them
15 to resubmit their survey.

16 So the survey letter is unchanged
17 except for the date and for that request not to
18 include apprentices and trainees.

19 You also have a sample of the survey
20 form that will be going out that will have the
21 current number of classifications, 25, that we
22 have to have for this coming year. It remains
23 unchanged as far as the crafts. And what we are
24 sending out this year will be -- 273 contractors
25 and subcontractors will receive this survey form

1 and will be receiving multiple forms based on the
2 project that they're working on.

3 So we did include at the back the
4 brief descriptions. I'm also attaching with this
5 the current Prevailing Wage Commission rules just
6 as a supplement to help them if there's any
7 questions along the way. So that will go along
8 with the cover letter and the survey form.

9 Are there any comments or questions
10 of what will be sent out as far as the letter and
11 survey form for this year?

12 MR. WRIGHT: Do we mail it or do we
13 email it?

14 MR. HERROD: We email it except
15 for -- we've always emailed it. And if we have to
16 send it out by mail, we'll do that, if they ask
17 for it.

18 Last year we sent out 253 -- to
19 253 contractors and received replies from 133, so
20 slightly over half. So I'm hoping that we'll do
21 that well this year. We'll be making calls and
22 sending out reminders to companies along the way
23 to make sure they send it in. A lot of them wait
24 until the last minute and it's a scramble to get
25 it done.

1 MR. WRIGHT: If you get TDOT to
2 send them out, it would be helpful because in our
3 company, when we send a survey out to our workers,
4 we don't let them have their check until they've
5 filled it out. Gwen could do that. It's pretty
6 effective. We get high return rates.

7 MR. HERROD: So you twist their
8 arms.

9 MR. WRIGHT: I wouldn't say that.
10 We try to motivate them.

11 CHAIRMAN SCOTT: Tom, was it one
12 page last year?

13 MR. HERROD: No, sir. It was --
14 it's multiple pages. It's the cover letter and
15 then the guidelines on the back. All this --

16 CHAIRMAN SCOTT: Was the form
17 itself just one page?

18 MR. HERROD: The form itself is --

19 CHAIRMAN SCOTT: Was it one page
20 last year?

21 MR. HERROD: One page, yes.

22 CHAIRMAN SCOTT: Okay. Okay. I
23 thought it was more than that.

24 MR. HERROD: And with the
25 descriptions on the back, we made some changes to

1 that last year, I believe.

2 CHAIRMAN SCOTT: Okay.

3 MR. HERROD: So we will be sending
4 that out before the end of the month to the
5 companies that have contracts this third quarter
6 of the year.

7 MS. MCGAURAN: Can you remind me
8 why we just allow them to do for that one quarter,
9 why they're only allowed to report work done in
10 that one quarter?

11 MR. HERROD: It's in the statute.

12 MS. MCGAURAN: Okay.

13 MR. HERROD: It's the best -- I
14 think it's for current projects is what they --
15 the belief is the current projects have the
16 highest wages paid perhaps for that calendar year,
17 so they go with third quarter projects.

18 MS. MCGAURAN: Okay. And then the
19 other question, I know we've had some questions
20 about what constitutes a project. You know, here
21 we say, you know, the projects are on, you know, a
22 state and/or federally funded highway or bridge
23 project. And in the front of the letter, we just
24 said actively performing the work in the state of
25 Tennessee.

1 I just want to ask those folks who
2 live in this industry, do you think that's clear,
3 those words? Basically, the second sentence of
4 the first page and then the two lines on the
5 second page where it says, "Data must be for,"
6 "Data must be for."

7 MR. HERROD: We have the TDOT --
8 TDOT has certain codes they put with each highway
9 project in the year that it's let. And most of
10 them start out with a -- remind me.

11 MS. WHITTAKER: CN.

12 MR. HERROD: CN, contract number.
13 And then depending on what the letter corresponds
14 to the year, there are some other examples of
15 other projects, maybe with an LB or some other.
16 But we send them to those.

17 Now, if there are some other projects
18 that companies are working on outside of that...

19 MR. THOMPSON: That's what -- I
20 think that's what Ann is asking about.

21 MR. HERROD: Yes.

22 MR. THOMPSON: And that gets back
23 into what we've been talking about forever, about,
24 you know --

25 MR. HERROD: We do --

1 MR. THOMPSON: If it's a local
2 project with State funds --

3 MR. HERROD: We do accept that.

4 MR. THOMPSON: -- it should be
5 included, but those are getting missed, we think.

6 MR. WRIGHT: The people at my
7 business know what to submit but they've been
8 doing it forever. If you were a new contractor to
9 the State, I could see where -- I see your point.

10 You know, when you read something
11 with an understanding of what is meant, it looks
12 different than it does...

13 So if we were to put actively
14 performing work in the state of Tennessee, and
15 then you explain what it is you're looking for,
16 TDOT contracts or state money or federal money,
17 whatever term you said earlier --

18 MR. HERROD: Yes. Well, when they
19 receive the letter on their survey form, they'll
20 have the contract number. Their particular
21 contract number will be inserted into that.
22 Companies that don't have TDOT contracts don't get
23 all this information unless we find out about it
24 and sent it to them.

25 So on the survey form, their contract

1 number will be included up there at the top so
2 they'll know it's for that project. They may get
3 multiple survey forms if they've got multiple
4 projects going on from last year, from 2024, '23,
5 '22, whatever. And they'll get all that. So
6 it'll be -- they'll get a form for every project.

7 Companies that have county highways
8 and that sort of thing, we don't know about. And
9 unless they were with us last year, we'll reach
10 out to them and tell them about it.

11 MR. WRIGHT: So you populate that
12 with information from TDOT?

13 MR. HERROD: Yes, sir.

14 MR. WRIGHT: So that means that we
15 don't ask anybody that's working for the City of
16 Cleveland.

17 MS. MCGAURAN: Even those companies
18 who --

19 MR. THOMPSON: That's exactly --
20 and also, you're not asking -- if I'm working for
21 a City of Cleveland on a particular project,
22 you're not asking me for that data either, because
23 you're not sending me a --

24 MR. HERROD: You can submit that
25 form separately, though, as a --

1 MR. THOMPSON: I know. But you
2 don't tell me I can do that.

3 MS. MCGAURAN: Right.

4 MR. THOMPSON: No, you're right,
5 Ann. I mean, you're exactly what we've been
6 talking about. It's exactly what we've been
7 talking about for years.

8 MR. HERROD: I can construct it --
9 what we have here is in the system and I can
10 construct the language as you see fit. It still
11 may not get out to counties that are doing county
12 projects or that are outside of TDOT, because the
13 only ones we're sending out to officially are
14 TDOT.

15 CHAIRMAN SCOTT: You've got 273.

16 MR. WRIGHT: Because TDOT has the
17 data pile.

18 MR. HERROD: Yes.

19 MR. WRIGHT: They own the data
20 that --

21 MR. HERROD: Right.

22 MR. WRIGHT: And Bradley County or
23 Davidson County --

24 CHAIRMAN SCOTT: It's only going to
25 TDOT?

1 MR. HERROD: It's going to
2 contractors and subcontractors that have TDOT
3 contract work.

4 MS. MCGAURAN: It seems to me -- a
5 question is does it make sense to -- it seems like
6 most of the people doing road work probably do
7 work for TDOT, right? So it's more about making
8 sure that those companies that are getting these
9 forms are aware that they can submit additional
10 projects that they don't get a form for, right,
11 that meet the criteria here that are --

12 MR. THOMPSON: Yes. But you've
13 also got a lot of people that are doing city and
14 county work that have state money that never bid
15 on a TDOT project.

16 MR. WRIGHT: And those are the ones
17 that bother us.

18 MR. THOMPSON: Yes, those are the
19 ones because they're not going by the wage scale.

20 MR. WRIGHT: And if it -- you know,
21 there -- I don't know if county government -- I
22 never look at the proposals. Is there a TDOT wage
23 scale in a --

24 MR. THOMPSON: No. It references
25 back to TDOT, but the problem of it is there's

1 nobody --

2 MR. WRIGHT: Nobody looks or cares.

3 MR. THOMPSON: Nobody's verifying
4 any of that stuff, that I know of.

5 MR. WRIGHT: And with a contractor
6 hat on, I would like for the people we compete
7 with to be in the same boat we are.

8 MR. HERROD: That would be
9 enforcement by TDOT. If they were to send it
10 in -- any contractor sends in their information
11 and they're paying below the prevailing wage for
12 that year, that data is excluded automatically.

13 MR. WRIGHT: These people don't
14 know that it's excluded --

15 MR. HERROD: But you wouldn't
16 want -- you would not want that data to affect the
17 wages that you-all come up with. But TDOT has to
18 regulate -- we don't regulate those wages.
19 They're supposed to turn in wage forms weekly to
20 TDOT.

21 MS. WHITTAKER: Not on the local
22 programs projects.

23 MR. HERROD: See, well, there's --

24 MS. WHITTAKER: The locals are
25 responsible.

1 MR. HERROD: So I don't know how to
2 reach those unless we send out a flier to every --
3 and it's posted on the website, so --

4 MR. WRIGHT: We have this
5 conversation every year, don't we?

6 CHAIRMAN SCOTT: Yes.

7 MR. WRIGHT: Just checking.

8 MR. HERROD: We make it available
9 for everybody to see but we can't force
10 everybody --

11 MR. THOMPSON: I guess another
12 thing is if you're making an attempt to pool the
13 data from those other people, then you're getting
14 a lot more truer pool of the wages that are
15 working on projects that are funded by state
16 dollars. You're getting a whole lot better -- I
17 mean, there's -- I mean, I don't know. How many
18 dollars are we talking about that are going to
19 local -- I mean, it's a lot.

20 MR. WRIGHT: Kent, do you know?

21 MR. STARWALT: I would just throw
22 out \$150 million for local programs. That's a
23 total guess.

24 MR. WRIGHT: That's 30 percent
25 labor.

1 MR. STARWALT: May I ask a
2 question?

3 CHAIRMAN SCOTT: Yes, sir, you may
4 ask, Mr. Starwalt.

5 MR. STARWALT: Kent Starwalt,
6 Tennessee Road Builders Association.

7 On the letters sent out that goes to
8 the specific project, it's got a contract number
9 on it. If somebody does want to send in a local
10 programs job or a state aid job, can they send
11 that electronically or do they need to mail that
12 in separately?

13 MR. HERROD: Should be mailed in
14 only. We can send it to them electronically, a
15 blank form, and they'll have to send it in. But
16 get it in by a certain date, by the end of
17 October.

18 MS. DIEFENBACH: We do have an
19 email address that they can email it back to.

20 MR. THOMPSON: When you send them
21 out, you're sending them out via email,
22 electronically, anyway. Is it -- what's wrong
23 with sending one to everybody you're sending one
24 that's a blank along with the ones that have got a
25 contract in case they've got other -- I mean, that

1 way they know, oh, the blank one is for any
2 projects that are not...

3 MR. HERROD: I guess we can...

4 MS. DIEFENBACH: So the system
5 automatically sends it. So we upload the TDOT
6 spreadsheet into the prevailing wage system, and
7 it automatically emails out everything with a
8 contract number. So if the contract number is
9 missing, I don't think the system will send it
10 out. So if there are additional things, even
11 companies outside of what TDOT has got on
12 contract, we wouldn't have their information to
13 even try to attempt to mail anything to them.

14 MR. HERROD: We can send out
15 electronically from either Mailchimp or from my
16 own personal account and send every contractor a
17 blank form.

18 MR. THOMPSON: That's what I --
19 yeah.

20 MR. HERROD: We can do that. We
21 can do that.

22 MR. THOMPSON: I realize we're
23 still not capturing all the ones who don't have a
24 state contract, but at least we're telling the
25 people who have DOT contracts, hey, you can use

1 this to --

2 MS. MCGAURAN: Capture other --

3 MR. THOMPSON: I have no idea what
4 that will do to your data. I have no clue.

5 MR. WRIGHT: Can I ask a question?

6 CHAIRMAN SCOTT: Yes, sir.

7 MR. WRIGHT: Kent, in your esteemed
8 lobbying career, you've been there when this bill
9 was opened up, right?

10 MR. STARWALT: Yes, sir.

11 MR. WRIGHT: Do you have an opinion
12 of what the legislature's intent was? Were they
13 looking for only TDOT work, or were they looking
14 for where the State of Tennessee spent their
15 money? Or do you think they even thought about
16 it?

17 MR. STARWALT: I don't think it was
18 clear as to what they were asking for. There was
19 definitely a -- when they eliminated the building
20 portion, that left the highway portion. And so I
21 think, clearly, they thought there was highway
22 work to gather.

23 An issue was raised that somebody was
24 working on a state park doing -- putting in new
25 electrical or new water, and they had to make a

1 cut in the road to put that in, and they were told
2 that they were now having to do state prevailing
3 wages because they made a cut in the road. And
4 that's what created some of the definitional
5 problems that there is in the current statute as
6 it relates to what is applied -- that's sort of
7 when airports came out, right? It's that it's no
8 longer airports. And so it's highway work.

9 And so I don't think that the
10 legislature was probably completely clear as to
11 what their impact was and what the decision was
12 when they made the decision to change the statute.

13 MR. WRIGHT: I mean, I would offer,
14 either one is fine but, you know, times have
15 changed since this act was really done.

16 As I took my tour of Southern
17 Tennessee on the way in, I flew over Saturn and
18 all the development that's going on. There's
19 five-lane highways multi miles long that I'm
20 pretty sure Gwen didn't administer. And I'll bet
21 you it's got some of Gwen's money out there near
22 Saturn -- you know, I just looked down at three or
23 four of them. That's millions and millions of
24 dollars' worth of work that is highway work.

25 It would -- but I don't know. I

1 don't even have an opinion on what we should do,
2 sir. I'm just asking what do we think the
3 legislature's intent was and is there -- is it too
4 complicated to ask them?

5 MR. STARWALT: (No verbal
6 response.)

7 MR. WRIGHT: Yes?

8 MR. STARWALT: I would think, yeah.

9 MR. WRIGHT: But the system as it
10 exists now is set up for failure for anything
11 other than TDOT work because there's no database
12 of what Rutherford County let or Maury County or
13 take, you know, the City of Franklin.

14 MR. STARWALT: May I ask a question
15 of Gwen?

16 CHAIRMAN SCOTT: (Nonverbal
17 response.)

18 MR. STARWALT: Do you know if your
19 local programs folks can generate contract
20 numbers?

21 MS. WHITTAKER: I don't know. I'll
22 have to ask.

23 MR. STARWALT: Because, I mean, on
24 their page, do they list the contracts that are
25 coming up for let? And so I just don't know if

1 there's -- I mean, I don't know if there's a
2 number with those or not. So if they're -- I
3 guess the reason for the question was, is if they
4 could, if it's possible, then the same way that
5 TDOT gives you the contract numbers for their
6 program, if they could supply the contract numbers
7 for local programs, at least you'd be gathering --
8 you would at least be getting that information.
9 You're still probably not getting -- you may --
10 well, I guess the same question that would go to
11 local programs would also be the same question for
12 state aid, if you can generate those or not. And
13 you may or may not be able to. Local programs may
14 be easier than state aid.

15 CHAIRMAN SCOTT: Commissioner Gwen,
16 could you find that out?

17 MS. WHITTAKER: I can.

18 CHAIRMAN SCOTT: It's not going to
19 be for this --

20 MS. WHITTAKER: Year.

21 CHAIRMAN SCOTT: -- for this term,
22 but --

23 MR. WRIGHT: We're always looking
24 forward to something to do next year.

25 MS. MCGAURAN: I wonder if -- on

1 that cover letter, on the second paragraph, it
2 said, "It is critical that all contractors
3 actively performing work in the state of
4 Tennessee, on a state or federally funded highway
5 or bridge project, submit the requested data"
6 right there front and center. And then if they
7 got a page without a job number, then at least we
8 can say we tried.

9 MR. THOMPSON: That's a good step
10 forward.

11 MS. MCGAURAN: It's a step in the
12 right direction.

13 MR. THOMPSON: I agree.

14 MR. HERROD: Okay. One more time.

15 MS. MCGAURAN: I think if, on this
16 line, if you just inserted after the State of
17 Tennessee, "on a state and/or federally funded
18 highway or bridge project, submit the requested
19 data."

20 You kind of say that back here but I
21 think putting it on the front page will help --
22 will hopefully help.

23 MS. DIEFENBACH: If I'm not
24 mistaken, our IT system limited the number of
25 characters we can put on that, so we had to

1 condense that down. So I will tell you STS shot
2 us down when we had it a little bit longer.

3 MR. WRIGHT: What does that mean?

4 MR. HERROD: Well, the information
5 technology group is cost prohibitive once you get
6 over a certain number of characters and letters
7 and such that it makes it unreasonable to try to
8 pay an extra twenty or \$30,000 for a change to the
9 system.

10 MR. WRIGHT: In a letter?

11 MR. HERROD: But we can -- the
12 answer is yes. But what we will do, in the
13 interest of making sure we go back, I will
14 approach them again with these changes and get as
15 much of that information in there as possible to
16 explain what we're talking about.

17 MS. MCGAURAN: I guess if I had to
18 choose, on the back of your letter, you have in
19 red, "Do not include the wages of any apprentice
20 or trainees for any of the classification jobs."
21 And that's what they're looking at when they're
22 trying to figure out what they can include. So if
23 I had to trade off text, I would remove that from
24 the front page, the "Please do not include the
25 wages of apprentice or trainees."

1 MR. HERROD: Okay. You're saying
2 just one place, whether it's on the front or the
3 back --

4 MS. MCGAURAN: I'm just saying if
5 you had to trade off text, I would get rid of this
6 line, because you have that somewhere else.

7 MR. HERROD: I understand.

8 MS. MCGAURAN: Okay.

9 MR. HERROD: You want it taken out
10 of the letter and leave it in the response --

11 MS. MCGAURAN: If you have to.

12 CHAIRMAN SCOTT: Tom, let us know
13 if it's a cost issue, what they will charge us to
14 do that.

15 MR. HERROD: It, right now, could
16 be a cost issue and it could be a time issue if we
17 want to get it out by the end of the month. But
18 we'll jump through all the hoops we need to.

19 MS. MCGAURAN: I'm sorry. I was
20 hopeful it wasn't that complicated.

21 CHAIRMAN SCOTT: Okay. Any other
22 discussion on the survey letter and the form? Any
23 more discussion from the Committee?

24 (No verbal response.)

25 CHAIRMAN SCOTT: So if there's no

1 other discussion with the changes that's been
2 proposed, can I have a motion to accept -- for the
3 changes that's been recommended by Ms. McGauran,
4 any motion with that?

5 MR. DEASON: If we could, if we
6 could have her repeat that so we can get that
7 clearly in the record. Would that be a problem?

8 MS. MCGAURAN: I would be happy to
9 do that.

10 MR. DEASON: Thank you.

11 MS. MCGAURAN: So I would move that
12 we approve the letter with the modification to the
13 second paragraph to be changed to read, "It is
14 critical that all contractors actively performing
15 work in the state of Tennessee on a state and/or
16 federally funded highway or bridge project, submit
17 the requested data."

18 And if because of the STS character
19 limitations, in order to add that, something has
20 to be removed from the letter, that the sentence,
21 "Please do not include the wages of apprentices or
22 trainees for any other classification of jobs" be
23 removed as a tradeoff.

24 Ideally, both statements would remain
25 on the letter if necessary. That's the motion.

1 MR. DEASON: And that would be
2 removed from the first page --

3 MS. MCGAURAN: Just from the first
4 page.

5 MR. DEASON: -- to cover -- the
6 first cover page.

7 CHAIRMAN SCOTT: And one question:
8 Would that be put on the second page?

9 MS. MCGAURAN: It's already on the
10 second page.

11 MR. HERROD: It's in red on the
12 second page.

13 MS. MCGAURAN: That's why I thought
14 it could be removed, because it's in red on the
15 second page.

16 CHAIRMAN SCOTT: Thank you. So the
17 motion is on the floor. I mean the submitted
18 change is on the floor. I need a motion.

19 MR. WRIGHT: She made it.

20 MS. MCGAURAN: And one other thing
21 to add to the motion, that the Department also
22 send to all the contractors, to the degree
23 possible, a blank form with the letter or
24 subsequent to the letter.

25 MR. HERROD: That would be in a

1 supplemental mailing.

2 MS. MCGAURAN: In a supplemental
3 mailing.

4 MR. DEASON: Yeah. Okay.

5 MS. MCGAURAN: I think that covers
6 everything we talked about.

7 MR. WRIGHT: I would like to second
8 that motion.

9 MR. DEASON: I believe that's
10 within the scope. That's why I hesitated. All
11 right. The motion has been seconded.

12 CHAIRMAN SCOTT: We've got a
13 second.

14 All in favor of accepting the motion
15 as accepted, let it be known by stating aye.

16 (Affirmative response.)

17 CHAIRMAN SCOTT: Any opposed?

18 (No verbal response.)

19 CHAIRMAN SCOTT: Okay. The motion
20 carries with those changes.

21 Okay. The next announcement, we'll
22 talk about our next 2024 Prevailing Wage
23 Commission meetings. We have one coming up on
24 November the 14th, Thursday, at 1:30 p.m. And in
25 that meeting, we'll review the survey data and

1 discuss and propose the rates for each job
2 classification.

3 I think that will be the long
4 meeting, right, Tom?

5 MR. HERROD: Yes, sir.

6 CHAIRMAN SCOTT: Okay. And then
7 two weeks, about a couple weeks after that,
8 November 26th, Tuesday, 1:30 p.m. the final review
9 of proposed 2025 rate changes and approval of
10 those changes will take place in that meeting.

11 Is that okay on everybody's calendar?

12 MR. STARWALT: I won't be here.

13 CHAIRMAN SCOTT: Kent will not be
14 here. Do you have a proxy?

15 MR. STARWALT: (No verbal
16 response.)

17 CHAIRMAN SCOTT: All right. Do I
18 have a motion to adjourn?

19 MR. THOMPSON: So moved.

20 CHAIRMAN SCOTT: Second?

21 MR. WRIGHT: Don't we have New
22 Business item?

23 CHAIRMAN SCOTT: I don't show one
24 on the agenda.

25 MR. WRIGHT: Oh, I'm sorry. Okay.

1 I thought we were going over this (indicating).

2 MR. HERROD: We'll talk about that
3 after the meeting.

4 MR. WRIGHT: Excuse me. Yes, we
5 have a motion to adjourn.

6 CHAIRMAN SCOTT: Okay. All right.
7 Consider ourselves adjourned. The meeting is
8 closed.

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10 END OF PROCEEDINGS.

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C E R T I F I C A T E

STATE OF TENNESSEE)

COUNTY OF WILLIAMSON)

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

That the within is a true and accurate
transcript of the Prevailing Wage Commission
Meeting taken on the 17th day of September, 2024.

I further certify that I am not related to
any of the parties to this action, by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 25th day of September, 2024.



Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/4/2028