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

MAY 14, 2025

Shana C. Crawford, LCR

Nashville, TN
(931) 494-1191

A-P-P-E-A-R-A-N-C-E-S

Deputy Commissioner Dewayne Scott, Chairman

Assistant Commissioner, Tom Herrod

Ann McGauran, State Architect
Tennessee Department of Treasury

Scott Thompson, Industry Representative
Talley Construction Company

Stephen Wright, Industry Representative
Wright Brothers Construction

Gwendolyn Whittaker, TDOT Designee

Melissa Owens, Legal Counsel

Chance Deason, Legal Counsel

Haley A. Patel, ASA4

Jamie Diefenbach, Executive Admin Assistant Tennessee Department of Labor

A-G-E-N-D-A

I. Call to Order and Roll Call

II. Announcements

III. Adoption of Agenda

IV. Review and Approve Revisions to Prevailing Wage Commission Rules

V. Upcoming Prevailing Wage Commission Meetings:

- **September 12, 2025, at 1:30**
- **November 11, 2025, at 1:30**
- **November 18, 2025, at 1:30**

VI. Adjournment

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CHAIRMAN SCOTT: Good afternoon everyone.

We want to do a roll call for the Prevailing Wage Commission Hearing for May 14th, 2025. I will read the name off and please answer if you are present.

Gwen Whittaker?

MS. WHITTAKER: Here.

CHAIRMAN SCOTT: Ann McGauran.

MS. MCGAURAN: Here.

CHAIRMAN SCOTT: Scott Thompson.

MR. THOMPSON: Present.

CHAIRMAN SCOTT: Steven Wright.

MR. WRIGHT: Here.

CHAIRMAN SCOTT: Okay. So we have a quorum for today.

And I'm going to share a new announcement. It's already been stated if there is any public comments, you will need to sign the document there in the front of the room.

We've got a 2024, November 19th and 26th transcripts are now available and approved. And they will be on the agenda -- I'm sorry. These transcripts will be on the agenda to be approved at our September 11th meeting, okay, for those two meetings.

Let's have a motion to approve the agenda as it's accepted. Do I have a motion?

MR. THOMAS: I would make that motion.

CHAIRMAN SCOTT: We have a motion. Do have a second?

MR. WRIGHT: Second.

CHAIRMAN SCOTT: All right. All in favor of accepting the agenda as listed, let it be known by stating "aye."

(Affirmative response.)

CHAIRMAN SCOTT: Any opposed?

(No verbal response.)

CHAIRMAN SCOTT: The agenda is adopted and approved.

We are going to move to our next agenda item, which will be the review and approval of the revisions to the Prevailing Wage Commission Rules. Are there any public comments before review starts?

MS. MCGAURAN: Can you help walk people through the steps of the rules getting approved?

MR. DEASON: So the way this goes is: We make the amendments, draft up the amendments, consult with the Attorney General's Office. The Attorney General's Office weighs in and then we send them to the Governor's Office; but both of those things have already been done. The Governor's

Office has approved that we can submit this current version.

We can make minor changes, nothing really substantive or else we would have to come back and reincorporate those. But I got no feedback from the Governor's Office other than approved.

The AG's Office, we've been going back and forth for a long time, basically for nitpicky stuff. Like you will notice in here that we no longer had means "one who," because they insisted that we needed to put one in parenthesis after one, I disagree. So I just went through and changed everywhere where it said "one who" means a person who. There are little things like that.

I -- after the -- after today, a plan to, if you guys approve these, I'm sending them directly to the Secretary of State's Office to set this. We will have a rulemaking hearing. And then after that, if there is public comment, we have to submit those. If there is no public comment, I submit that there was no one in attendance, no comments at the hearing. And it gets on file at the Secretary of State's Office. And then in a couple of months, it becomes final. That's basically the steps in the process.

MS. MCGAURAN: Okay. But after this, there -- if these are approved and then subsequently the approval proceeds as expected, there is no further action for this body?

MR. WRIGHT: Well, I approve it. This body approves.

CHAIRMAN SCOTT: If there is no public comments, the Chairman recognizes General Counsel to sort of lead the discussion.

MR. DEASON: Before we do that, do you want us to go around the room and have us introduce ourselves for...

I'm Chance Deason, General Counsel.

MS. OWENS: Melissa Owens, Deputy General Counsel.

MR. WRIGHT: Steve Wright, I think I am a Commissioner.

MR. THOMPSON: Scott Thompson, Commissioner.

MS. WHITTAKER: Gwen Whittaker, TDOT Designee.

MS. MCGAURAN: Ann McGauran, State Architect/Commissioner.

MR. HERROD: Tom Herrod, Assistant Commissioner.

CHAIRMAN SCOTT: And Dewayne Scott, Deputy Commissioner.

MS. DIEFENBACH: Jamie Diefenbach, Executive Admin Assistant.

MR. DEASON: Okay. All right. So my main goal here today is not to make this too tedious like the last time. So I think you will find looking at these that there hasn't been -- there hasn't been really anything much in the way of a substantive change to what we had before. A lot of

it has to do with my discussions with the AG's Office. There were quite a few basically "stylistic changes," they wanted. But they can hold this up if I don't come to an agreement with them.

One thing I did want to mention in the definitions of what you have there before you, I did not take out in definitions 1(b), it says: "Commission means the Prevailing Wage Commission." I took out, "Or its administrative designee, the Tennessee Department of Labor and Workforce Development." I think we were wanting to remove that, right Tom?

MR. HERROD: Say that again.

MR. DEASON: Where it said: "Commission means the Prevailing Wage Commission," I took out the rest of it where it said: "Or the Tennessee Department of Labor and Workforce Development or its administrative delegate." So that will not be in there. I apologize that it didn't get in the one we gave to you.

The rest of it, like I said, is pretty much the same. We had a -- kind of a battle of semantics with the AG's office. I don't think you will find the substance changed pretty much at all.

So I just want to ask you all: Do you have any questions, comments, concerns? Because I didn't plan on going through these one by one and taking the rest of your

day.

MR. WRIGHT: I read it and I thought they were great. I have no suggests, but I'm not a comma person, so I don't know what...

MR. DEASON: Tom is. Tom dealt with the commas.

CHAIRMAN SCOTT: So is there a motion for any discussions that need to occurred?

MS. MCGAURAN: I just have a quick question: There are a bunch of packets in front of me. I have Prevailing Wage Commission Rules Proposed Revisions, and then I have this one, and then I have Notice of Rulemaking Hearing. Which one of these are we voting on, which version?

MR. DEASON: The one -- they should be.

MR. HERROD: They are identical just in content. The one that says, "Proposed Revision," was for you to see it up here if there is any editing. This is an easier way to edit from this copy than these, but it's the same -- same verbiage throughout this.

MS. MCGAURAN: Well, but it -- but it's not. As I look at (c), these two versions don't have the exact same statement. The one that says, "Prevailing Wage Commission Rules Proposed," and the one that says, "Labor and Workforce Development Boilers, Elevators, Amusement Devices and other Related Rules;" when you look at the definition for (c), they don't match, that is --

MR. DEASON: For covered worker?

MS. MCGAURAN: For covered worker.

MR. HERROD: Well, this will be the one -- this is an unofficial copy just for editing. This is the official copy. This --

MR. DEASON: So this right here is what would be filed in the Secretary of State's Office.

CHAIRMAN SCOTT: Notice of Rulemaking.

MS. MCGAURAN: Okay. So that's --

MR. HERROD: That one is the one that I read.

MS. MCGAURAN: Okay. So that one, they do match. This one right here, just for noted, the one you pulled up on the screen, doesn't match the others.

MR. HERROD: Okay. Sorry about that. So throw that on the floor. It will be discarded and we will vote on this one.

MS. MCGAURAN: Okay. I just really want to make sure --

MR. HERROD: That's what I get for trying to make things easy.

MR. DEASON: Well, it is pretty critical you have the right version.

MR. WRIGHT: If I can comment, I really think y'all have done a great job with capturing the intend, as I understood it, the important things here, the weights and the

machines, the operator reclassifications. As I said there, I didn't see any, "Oh, we left out," or, "Oh, we shouldn't have done this," in there.

In the thorough rereading there is a -- I am not suggesting that there is a couple of things that we could have taken out some antiquated language. But I think we got to that last time. Instead of arguing what a dragline was, we figured nobody owned one anyone way so it didn't matter.

MR. THOMPSON: And the weights were what was -- we were trying to distinguish everything, that's what this is.

MR. WRIGHT: And we've got the trucks right it appears to me. We have got the articulated trucks up there with the heavy-equipment operator and then we have two categories of -- of -- on highway trucks. Which Scott or whoever figured that out, good job.

I mean, to me it looks like a really good document for the State today.

MS. MCGAURAN: I don't have any concerns with that clarification of which version worked for me.

MR. DEASON: Are you all ready for -- to a --

CHAIRMAN SCOTT: Any further discussion before we --

MR. DEASON: Just for sake of the rules, did we have the motion and the motion seconded to discuss?

CHAIRMAN SCOTT: We did not.

MR. WRIGHT: I would move that we adopt these.

CHAIRMAN SCOTT: This is just for the discussion, Steve.

MS. MCGAURAN: So usually when we make a motion to adopt it, then you say motion, second and any discussion and then you vote on the motion.

MR. DEASON: That is the fine.

MR. WRIGHT: You have a motion to adopt these.

MS. MCGAURAN: Second.

CHAIRMAN SCOTT: So we have a first and the second to adopt. Any discussion before the vote occurs?

MS. MCGAURAN: I think that is where you said you felt like they were moving in the right direction and solving all of the problems.

MR. WRIGHT: I think they have done a really nice job. Congratulations to everybody's two years of hard work. Thank you. It restores my faith in government.

CHAIRMAN SCOTT: That's big. That's big.

With so a first and a second, all in favor of accepting the revisions of the Prevailing Wage Commission Rules as submitted?

MR. DEASON: Could we take a voice vote, sir? I'm sorry, I should have mentioned that to you. My apologies.

CHAIRMAN SCOTT: Okay. Okay.

MR. DEASON: The you could call each one.

CHAIRMAN SCOTT: So we will ask for the voice vote to approve this starting with Steve.

MR. WRIGHT: Aye.

CHAIRMAN SCOTT: Scott.

MR. THOMPSON: Aye.

CHAIRMAN SCOTT: Gwendolyn.

MS. WHITTAKER: Aye.

CHAIRMAN SCOTT: And Ann.

MS. MCGAURAN: Aye.

CHAIRMAN SCOTT: So we have the Prevailing Wages Commission Rules accepted and passed by full majority.

Let's discuss -- give you an update on the Prevailing meetings -- Wage meetings that's upcoming forth. September 11th, we start the process. That there be at 1:30. We have a second meeting on November 12th at 1:30. And final meeting for this session will be November 18th at 1:30.

Any conflicts with anyone's schedule? You good there?

MR. WRIGHT: September the 11th I'm out of the country.

CHAIRMAN SCOTT: Anyone else want to --

MR. HERROD: Is there any day that week you're available?

MR. WRIGHT: Not that week, sir. Actually, I have that on my calendar as the 4th. Did I put it down wrong?

MS. WHITTAKER: I have it on September 4th as well.

MR. WRIGHT: It's in my calendar as September 4th, two times actually.

MR. HERROD: Can we --

MR. WRIGHT: And I am available September 4th. Is every one else available September 4th.

MS. WHITTAKER: I am not, but I had it on my calendar for that day as well.

MR. WRIGHT: It won't hurt my feelings if y'all have it when I'm gone.

MR. HERROD: We are going to make you be there.

CHAIRMAN SCOTT: So we going to change that date to the 4th?

MR. HERROD: So three of the four are available, I think that is --

CHAIRMAN SCOTT: I think everybody had it on their schedule on the 4th. November 12th work for everyone?

MR. WRIGHT: Yes.

CHAIRMAN SCOTT: And the 18th?

MR. WRIGHT: Yes.

MR. THOMPSON: Yes.

CHAIRMAN SCOTT: Mr. Tom, if you would make those changes and update that.

With no more discussions, we will consider ourselves adjourned.

Thank you.

END OF PROCEEDINGS.

REPORTER'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, SHANA C. CRAWFORD, Licensed Court Reporter, with offices in Nashville, Tennessee, hereby certify that I reported the foregoing hearing by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

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