

**RULES
OF
TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

**CHAPTER 0800-3-2
PREVAILING WAGE COMMISSION RULES**

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0800-3-2-.01 DEFINITIONS.

- (1) The terms below shall have the following clarifying definitions in addition to those contained in T.C.A. §12-4-402 of the Prevailing Wage Act, for the purpose of construing the Act and these rules and regulations:
 - (a) “Apprentices” means those persons registered individually under a bona fide apprenticeship program registered with the Bureau of Apprenticeship and Training of the United States Department of Labor. The state agency contracting officer shall require the contractor or subcontractor using the apprentice to submit evidence of his indenture and/or apprenticeship registration when the apprentice's name first appears on a submitted payroll.
 - (b) “Commission” means the Prevailing Wage Commission or its administrative delegate, the Tennessee Department of Labor and Workforce Development.
 - (c) “Covered Worker” means all workers employed on State construction projects as defined by T.C.A. §12-4-402(6).
 - (d) “Subcontractor” means one who performs part of the job called for in the prime contract. This term shall include materialmen whose employees engage in the substantial operations at the project site, provided the employees of the materialmen devote as much as 20 percent of their work time on the construction premises.
 - (e) “Contract” means any contract within the scope of the Act (Tennessee Code Annotated § 12-4-401 et seq.), and which is entered into for the erection, remodeling, alteration, repairing, demolition, or making any additions to any building or buildings or for the purpose of building, rebuilding, locating or relocating or repairing any streets, highways, or bridges, or any type of building and construction work wherein any state funds may be appropriated or expended for such building or construction.

Authority: T.C.A. §12-4-415. **Administrative History:** Original Rule filed June 14, 1976; effective July 14, 1976. Repeal and new rule filed March 12, 1987; effective April 26, 1987. Repeal and new rule filed June 30, 2006; effective September 13, 2006.

0800-3-2-.02 CLASSIFICATION OF COVERED WORKERS.

- (1) All contractors and subcontractors must classify covered workers in the contract and payroll records in conformity with the schedule of classifications issued by the Commission.
 - (a) The Commission hereby issues the following classifications of crafts of workers to be used for workers employed by building contractors and subcontractors. Pursuant to T.C.A. §12-4-

(Rule 0800-3-2-.02, continued)

405(3)(A), each such craft shall only be assisted by qualified apprentices of the crafts as defined in subparagraph (a) of paragraph (1) of Rule 0800-3-2-.01.

1. “Boilermaker” means one who assembles, analyzes defects in, and repairs boilers, pressure vessels, tanks, and vats in field, following blueprints and using hand tools and portable power tools and equipment; locates and marks reference points for columns or plates on foundation, using a master straightedge, squares, transit, and measuring tape, and applying knowledge of geometry; attaches rigging or signals crane operator to lift parts to a specified position; aligns structures or plate sections to assembly boiler frame, tanks, or vats, using plumb bobs, levels, wedges, dogs, or turnbuckles; hammers, flame cuts, files, or grinds irregular edges of sections or structural parts to facilitate fitting edges together; bolts or arc-welds structures and sections together; positions drums and headers into supports and bolts or welds supports to frame; aligns watertubes and connects and expands ends to drums and headers, using a tube expander; bells, beads with a power hammer, or welds tube ends to ensure leak proof joints; bolts or welds casing sections, uptakes, stacks, baffles, and such fabricated parts as chutes, air heaters, fan stands, feeding tubes, catwalks, ladders, coal hoppers, and safety hatches to frames, using wrenches; installs manholes, handholes, valves, gauges, and feedwater connection in drums to complete assembly of watertube boilers; assists in testing assembled vessels by pumping water or gas under specified pressure into vessels and observing instruments for evidence of leakage; repairs boilers or tanks in field by unbolting or flame cutting defective sections or tubes, straightening plates, using torches or jacks, installing new tubes, fitting and welding new sections and replacing worn lugs or bolts; may rivet and caulk sections of vessels using pneumatic riveting and caulking hammers; may line firebox with refractory brick and asbestos rope and blocks; may fabricate such parts as stacks, uptakes, and chutes to adapt boiler to premises in which it is installed; assembles boilers, tanks, vats and pressure vessels according to blueprint specifications, using power tools and hand tools; reads blueprints to determine location and relationship of parts; connects firetubes to heads or watertubes to drums and headers of boilers, by expanding and belling ends, using a tube expander and beading ends, using a power hammer; drills and taps holes for installation of studs, using a portable drill; tightens bolts to assemble frames, using hand or power wrenches; mounts casings of watertube boilers, or attaches davit heads, burners or furnace casings to firetube boilers, using wrenches; bolts or screws accessories, such as manholes, handholes, fans, gauges, and valves to vessels, using hand tools or power wrenches; replaces defective parts, using power wrenches, prying bars or hand tools; may install and repair refractory brick; may thread and install stay bolts, using pipe wrenches and dies; may remove and replace rivets and caulk seams to repair riveted shells and structures, using a pneumatic chisel, riveter, and caulking hammer; and may cut out defective parts, using an acetylene torch.
2. “Bricklayer” means one who performs duties in the following areas:
 - (i) “Construction” means one who lays building materials, such as brick, structural tile, concrete block, glass, gypsum, and terra cotta block (except stone) to construct or repair walls, partitions, arches, sewers, and other structures; measures distance from reference points and marks guidelines on working surface to lay out work; spreads soft bed (layer) of mortar that serves as a base and binder for block, using a trowel; applies mortar to end of block and positions block in mortar bed; taps block with a trowel to level, align, and embed in mortar, allowing specified thickness of joint; removes excess mortar from face of block, using a trowel; finishes mortar between brick with pointing tool or trowel; breaks brick to fit spaces too small for whole brick, using the edge of a trowel or brick hammer; determines vertical and horizontal alignment of courses, using a plumb bob, gaugeline (tightly stretched cord), and level; fastens brick or terra cotta veneer to

(Rule 0800-3-2-.02, continued)

face of structures, with tie wires embedded in mortar between bricks, or in anchor holes in veneer brick; may weld metal parts to structural-steel members; and may apply plaster to walls and ceiling, using a trowel to complete repair work.

- (ii) “Firebrick and Refractory Tile” means one who lays firebrick and refractory tile to build, rebuild, reline, or patch high-temperature or heating equipment, such as boilers, ovens, furnaces, converters, cupolas, ladles, and soaking pits, according to job orders and blueprints; lays out work, using chalklines, plumb bobs, tapes, squares, and levels; calculates angles and courses for building walls, arches, columns, corners and bottoms; removes burned or damaged brick and cleans surface of setting, using a sledgehammer, pry bar, pneumatic chipping gun, scraper and wire brush; cuts brick to size, using a brick hammer or powered abrasive saw; spreads fire-clay mortar over brick with a trowel and lays brick in place; spreads or sprays refractories over exposed bricks to protect bricks against deterioration by heat, using a trowel or spray gun; positions or bends special frame or hanger over casings to lay arches; cuts, notches, or drills openings to provide outlets, pyrometer mountings, brackets and heating elements, using hand tools; patches or replaces firebrick linings of ladles and furnace tap holes; constructs refractory forms for controlling quantity and flow of molten materials from furnace to rolling machines; may replace bolts, brackets, and heating elements, repair coke oven doors, weld cracks or holes in shells, or perform other repairs; and may pack insulation into shells and frames to insulate heating equipment, such as furnaces, boilers and ovens.
- (iii) “Marble Finisher” means one who supplies and mixes construction materials for marble setter; applies grout, and cleans installed marble; moves marble installation materials, tools, machines, and work devices to work areas; mixes mortar, plaster, and grout, as required, following standard formulas and using manual or machine mixing methods; moves mixed mortar or plaster to installation area, manually or using a wheelbarrow; selects marble slabs for installation, following numbered sequence or drawings; drills holes and chisels channels in edges of marble slabs to install metal wall anchors, using a power drill and chisel; bends wires to form metal anchors, using pliers; inserts anchors into drilled holes of marble slab, and secures anchors in place with wooden stake and plaster; moves marble slabs to installation site, using a dolly, hoist, or portable crane; fills marble joints and surface imperfections with grout, using a grouting trowel or spatula, and removes excess grout, using a wet sponge; grinds and polishes marble, using abrasives, chemicals, and manual or machine grinding and polishing techniques; cleans installed marble surfaces, work and storage areas, installation tools, machinery, and work aids, using water and cleaning agents; stores marble, installation materials, tools, machinery, and related items; may modify mixing, material moving, grouting, polishing, and cleaning methods and procedures, according to type of installation or materials; may repair and fill chipped, cracked, or broken marble pieces, using a torch, spatula, and heat sensitive adhesive and filler; may secure marble anchors to studding, using pliers, and cover ends of anchors with plaster to secure anchors in place; may assist marble setter to saw and position marble; and may erect scaffolding and related installation structures.
- (iv) “Marble Setter” means one who cuts, tools, and sets marble slabs in floors and walls of buildings and repairs and polishes slabs previously set in buildings; trims, faces and cuts marble to specified size, using power sawing, cutting, and facing equipment and hand tools; drills holes in slabs and attaches brackets; spreads mortar on bottom of slabs and on sides of adjacent slabs; sets block in position, tamps it into place, and anchors bracket attachment with wire; fills joints with

(Rule 0800-3-2-.02, continued)

grout; removes excess grout from marble with a sponge; cleans and bevels cracks or chips on slabs, using hand tools and power tools; heats cracked or chipped area with a blowtorch and fills defect with composition mastic that matches grain of marble; and polishes marble and other ornamental stone to a high luster, using power tools or by hand.

- (v) “Stonemason” means one who sets stone to build stone structures, such as piers, walls and abutments, or lays walks, curbstones, or special types of masonry, such as alberene (acid-resistant soapstone for vats, tanks, and floors), using a mason's tools; shapes stone preparatory to setting, using a chisel hammer, and other shaping tools; spreads mortar over stone and foundation with a trowel and sets stone in place by hand or with the aid of a crane; aligns stone with plumbline and finishes joints between stone with a pointing trowel; may spread mortar along mortar guides to ensure joints of uniform thickness; may clean surface of finished wall to remove mortar, using muriatic acid and a brush; and may set cut and dressed ornamental and structural stone in buildings.

- (vi) “Terrazzo Finisher” means one who supplies and mixes construction materials for terrazzo worker; applies grout, and finishes surface of installed terrazzo; moves terrazzo installation materials, tools, machines, and work devices to work areas, manually or using a wheelbarrow; measures designated amounts of ingredients for terrazzo or grout, using graduated containers and a scale, following standard formulas and specifications, and loads portable mixer, using a shovel; mixes materials according to experience and requests from terrazzo worker and dumps mixed materials that form base or top surface of terrazzo into prepared installation site, using a wheelbarrow; applies curing agent to installed terrazzo to promote even curing, using a brush or sprayer; grinds surface of cured terrazzo, using power grinders to smooth terrazzo and prepare for grouting; spreads grout across terrazzo to fill surface imperfections, using a trowel; fine grinds and polishes surface of terrazzo when grout has set, using power grinders; washes surface of polished terrazzo, using a cleanser and water, and applies sealer, according to manufacturer's specifications, using a brush; installs grinding stone in power grinders, using hand tools; cleans installation site, mixing and storage areas, tools, machines, and equipment, using water and various cleaning devices; stores terrazzo installation materials, machines, tools, and equipment; may modify mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; may assist terrazzo worker to position and secure moisture membrane and wire mesh prior to pouring base materials for terrazzo installation; may spread marble chips or other material over fresh terrazzo surface and press into terrazzo, using a roller; may cut divider and joint strips to size as directed; and may cut grooves in terrazzo stairs, using a power grinder, and fill grooves with nonskid material.

- (vii) “Terrazzo Worker” means one who applies cement, sand, pigment and marble chips to floors, stairways, and cabinet fixtures to attain durable and decorative surfacing according to specifications and drawings; spreads roofing paper on surface of foundation; spreads mixture of sand, cement, and water over surface with a trowel to form a terrazzo base; cuts metal division strips and presses them into terrazzo base so that top edges form desired design or pattern and define level of finished floor surface; spreads mixture of marble chips, cement, pigment, and water over terrazzo base to form a finished surface, using a float and trowel; scatters marble chips over finished surface; pushes roller over surface to embed chips; allows surface to dry, and pushes electric-powered surfacing machine over floor to grind and polish terrazzo surface; grinds curved surfaces and areas

(Rule 0800-3-2-.02, continued)

inaccessible to surfacing machine, such as stairways and cabinet tops, with a portable hand grinder; and may precast terrazzo blocks in wooden forms.

- (viii) “Tile Finisher” means one who supplies and mixes construction materials for tile setter; applies grout, and cleans installed tile; moves tiles, tile setting tools, and work devices from storage area to installation site manually or using a wheelbarrow; mixes mortar and grout according to standard formulas and requests from tile setter, using a bucket, water hose, spatula, and portable mixer; supplies tile setter with mortar, using a wheelbarrow and shovel; applies grout between joints of installed tile, using a grouting trowel; removes excess grout from tile joints with a wet sponge and scrapes corners and crevices with a trowel; wipes surface of tile after grout has set to remove grout residue and polish tile, using nonabrasive materials; cleans installation site, mixing and storage areas, and installation machines, tools, and equipment, using water and various cleaning tools; stores tile setting materials, machines, tools, and equipment; may apply caulk, sealers, acid steam, or related agents to caulk, seal, or clean installed tile, using various application devices and equipment; may modify mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; may assist tile setter to position and secure metal lath, wire mesh, or felt paper prior to installation of tile; and may cut marked tiles to size, using a power saw or tile cutter.
 - (ix) “Tile Setter” means one who applies tile to walls, floors, ceilings and promenade roof decks, following design specifications; examines blueprints, measures and marks surfaces to be covered, and lays out work; measures and cuts metal lath to size for walls and ceilings with tin snips; tacks lath to wall and ceiling surfaces with a staple gun or hammer; spreads plaster base over lath with a trowel and levels plaster to specified thickness, using a screed; spreads concrete on subfloor with a trowel and levels it with a screed; spreads mastic or other adhesive base on a roof deck using a serrated spreader to form the base for promenade tile; cuts and shapes tile with tile cutters and biters; and positions tile and taps it with a trowel handle to affix tile to plaster or adhesive base.
3. “Carpenter” means one who constructs, erects, installs and repairs structures and fixtures of wood, plywood, and wallboard, using a carpenter's hand tools and power tools, and conforming to local building codes; studies blueprints, sketches, or building plans for information pertaining to type of material required, such as lumber or fiberboard, and dimensions of structure or fixture to be fabricated; selects specified type of lumber or other materials; prepares layout, using a rule, framing square, and calipers; marks cutting and assembly lines on materials, using a pencil, chalk and marking gauge; shapes materials to prescribed measurements, using saws, chisels, and planes; assembles cut and shaped materials and fastens them together with nails, dowel pins, or glue; verifies trueness of structure with a plumb bob and carpenter's level; erects framework for structures and lays subflooring; builds stairs and lays out and installs partitions and cabinet work; covers subfloor with building paper to keep out moisture and lays hardwood, parquet, and wood-strip-block floors by nailing floors to subfloor or cementing them to mastic or asphalt base; applies shock-absorbing, sound-deadening, and decorative paneling to ceilings and walls; fits and installs prefabricated window frames, doors, door frames, weather stripping, interior and exterior trim, and finish hardware, such as locks, letterdrops, and kick plates; assembles scaffolding and seals off work area, using plastic sheeting and duct tape; positions a mobile decontamination unit or portable showers at entrance of work area; builds a connecting walkway between a mobile unit or portable showers and work area, using hand tools, lumber, nails, plastic sheeting, and duct tape; constructs forms and chutes for pouring concrete; erects

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scaffolding and ladders for assembling structures above ground level; may weld metal parts to structural-steel members; when specializing in particular phase of carpentry, is designated according to specialty as combination window installer (construction); when specializing in finish carpentry, such as installing interior and exterior trim, building stairs, and laying hardwood floors, is designated finish carpenter (construction); when erecting frame buildings and performing general carpentry work in residential construction, is designated house carpenter (construction); may remove and replace sections of structures prior to and after installation of insulating materials and be designated building-insulating carpenter (construction; retail trade); may perform carpentry work in construction of walk-in freezers and environmental test chambers and be designated carpenter, refrigerator (service industry machinery); and may be designated: door hanger (construction), finished-hardware erector (construction), garage-door hanger (construction), hardwood-floor installer (construction), jalousie installer (construction), stair builder (construction), trim setter (construction), weather stripper (construction), wood strip-block installer (construction), pile driver, or dock builder. A carpenter may work on resilient floors, computer floors, pedestal floors, carpet installations, siding, acoustical ceilings, metal and wood framing, furniture installation, lathing, scaffold erecting, metal partitions, the disassembly of forms for concrete, counter tops of all materials, plastic laminates, solid surface materials, and toilet partitions.

4. “Cement Finisher, Plasterer” means one who smooths and finishes surfaces of poured concrete floors, walls, sidewalks, or curbs to specified textures, using hand tools or power tools, including floats, trowels, and screeds; signals concrete deliverer to position truck to facilitate pouring concrete; moves discharge chute of truck to direct concrete into forms; spreads concrete into inaccessible sections of forms, using a rake or shovel; levels concrete to a specified depth and workable consistency, using a hand held screed and floats to bring the water to the surface to produce a soft topping; smooths and shapes surfaces of freshly poured concrete, using a straightedge and float or power screed; finishes concrete surfaces, using a power trowel, or wets and rubs concrete with abrasive stone to impart finish; removes rough or defective spots from concrete surfaces, using a power grinder or chisel and hammer, and patches holes with fresh concrete or epoxy compound; molds expansion joints and edges, using edging tools, jointers, and straightedge; may sprinkle colored stone chips, powdered steel, or coloring powder on concrete to produce prescribed finish; may produce rough concrete surface, using a broom; may mix cement, using a hoe or concrete-mixing machine; may direct sub-grade work, mixing of concrete, and setting of forms; may specialize in finishing steps and stairways and be designated a step finisher (construction); and may break up and repair old concrete surfaces, using pneumatic tools, and be designated a cement mason, maintenance (any industry).
5. “Class A Operator” means one who operates a wide variety of heavy equipment such as but not limited to: backhoes, drag lines, cranes, winches with booms, motor patrols, trenching machines (18” and over), pile drivers, tug boats, mechanics (heavy), central mixing plants, locomotives, straddle carriers, earth freezing equipment, 3-drum hoists, side booms, dredges, mucking machines, cableways, central compressor plants, derrick boats, concrete pumps, well point systems, self-propelled sweepers, bulldozers, forklifts, and front end loaders; adjusts hand-wheels, depresses pedals and moves levers to drive equipment and control attachments such as blades, buckets, scrapers and swing booms; turns valves to control air and water output of compressors and pumps; and repairs, maintains and services equipment as needed. Various equipment operating engineers may also operate steel and stone handling equipment in connection with erections, machine-handling machinery, cable spinning machines, conveyor loaders, keystones, all types of shovels, derricks, trench shovels, pippin type backhoes, hoists, pavers, milling

(Rule 0800-3-2-.02, continued)

machines, gradalls, tandem scrapers, drills (self-contained drillmaster type), batch plants with mixer, scrapers and tournapulls, rollers, spreaders, tractors, conveyors, pressure boilers, well drillers, ditch witch type trenchers, concrete breaking machines, fine grade machines, seamen pulverizing mixers, form line graders, road finishing machines, power booms, seed spreaders, grease trucks, compressors, pumps and machines similar to above. Included in this definition are tiremen on power equipment, asphalt plant engineers, maintenance engineers (power boat), firemen, oilers and deck hands (personnel boats), and grease truck helpers.

6. “Class B Operator” means one who operates a wide variety of equipment such as: trenching machines (less than 18”), tandem rollers, pavers, mobile mixers (rubber tired mobile, mixed on job), back fillers, blade graders, dinkeys (over 10 tons), elevating graders, winches (operated from trucks or tractors without booms and powered other than by the trucks), bituminous distributors, 1 and 2 drum hoists, grout pumps, motor boats, self-propelled earth compactors, finishing machines, and mixers; adjusts hand-wheels, depresses pedals and moves levers to drive equipment and control attachments such as blades, buckets, scrapers and swing booms; turns valves to control air and water output of compressors and pumps; and repairs, maintains and services equipment as needed. Included in this definition are switchmen, brakemen, and firemen.
7. “Class C Operator” means one who operates a wide variety of equipment such as: air compressors, earth drills, scales, tractors (40 horse power and less), pumps (larger than 4”), and dinkeys (less than 10 tons); adjusts hand-wheels, depresses pedals and moves levers to drive equipment and control attachments; turns valves to control air and water output of compressors and pumps; and repairs, maintains and services equipment as needed. Included in this definition are motor crane drivers and oilers.
8. “Electrician” means one who plans layout, installs, and repairs wiring, electrical fixtures, apparatus, and control equipment; plans new or modified installations to minimize waste of materials, provide access for future maintenance, and avoid unsightly, hazardous, and unreliable wiring, consistent with specifications and local electrical codes; prepares sketches showing location of wiring and equipment, or follows diagrams or blueprints, ensuring that concealed wiring is installed before completion of future walls, ceilings, and flooring; measures, cuts, bends, threads, assembles, and installs electrical conduit, using tools, such as hacksaw, pipe threader, and conduit bender; pulls wiring through conduit; splices wire by stripping insulation from terminal leads, using a knife or pliers, twisting or soldering wires together, and applying tape or terminal caps; connects wiring to lighting fixtures and power equipment, using hand tools; installs control and distribution apparatus, such as switches, relays, and circuit-breaker panels, fastening in place with screws or bolts, using hand tools and power tools; connects power cables to equipment, such as electric range or motor, and installs grounding leads; lays polyvinyl chloride (PVC) pipe for main feed electric line; and tests continuity of circuit to ensure electrical compatibility and safety of components, using testing instruments, such as ohmmeter, battery and buzzer, and oscilloscope.
9. “Elevator Constructor” means one who assembles and installs electric and hydraulic freight and passenger elevators, escalators, and dumbwaiters, determining layout and electrical connections from blueprints; studies blueprints and lays out location of framework, counterbalance rails, motor pump, cylinder, and plunger foundations; drills holes in concrete or structural-steel members with portable electric drill; secures anchor bolts or welds brackets to support rails and framework, and verifies alignment with a plumb bob and level; cuts prefabricated sections of framework, rails, and other elevator components to specified dimensions, using an acetylene torch, power saw, and disc grinder; installs cables, counterweights, pumps, motor foundations, escalator drives,

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- guide rails, elevator cars, and control panels, using hand tools; connects electrical wiring to control panels and electric motors; installs safety and control devices; positions electric motor and equipment on top of elevator shaft, using hoists and cable slings; and may be designated according to type of equipment installed as elevator constructor, electric (construction), elevator constructor, hydraulic (construction), or escalator constructor (construction).
10. “Glazier” means one who installs glass in windows, skylights, store fronts, and display cases, or on surfaces, such as building fronts, interior walls, ceilings, and tabletops; marks outline or pattern on glass, and cuts glass, using a glasscutter; breaks off excess glass by hand or with notched tool; fastens glass panes into wood sash with glazier's points, and spreads and smoothes putty around edge of panes with knife to seal joints; installs mirrors or structural glass on building fronts, walls, ceilings, or tables, using mastic, screws, or decorative molding; bolts metal hinges, handles, locks, and other hardware to prefabricated glass doors; sets glass doors into frames and fits hinges; may install metal window and door frames into which glass panels are to be fitted; may press plastic adhesive film to glass or spray glass with tinting solution to prevent light glare; may install stained glass windows; may assemble and install metal-framed glass enclosures for showers and be designated shower-enclosure installer (construction); and may be designated according to type of glass installed as glazier, structural glass (construction), or plate-glass installer (construction).
 11. “Insulation Worker for Mechanical Trades/Asbestos Worker” means one who applies insulating material* to exposed surfaces of structures, such as air ducts, hot and cold pipes, storage tanks, and cold storage rooms; reads blueprints and selects required insulation material (in sheet, tubular, or roll form) such as fiberglass, foam rubber, styrofoam, cork, or urethane, based on material's heat retaining or excluding characteristics; brushes adhesives on or attaches metal adhesive-backed pins to flat surfaces as necessary to facilitate application of insulation material; measures and cuts insulation material to specified size and shape for covering flat or round surfaces, using a tape measure, knife, or scissors; fits, wraps, or attaches required insulation material around or to structure, following blueprint specifications; covers or seals insulation with preformed plastic covers, canvas strips, sealant, or tape to secure insulation to structure, according to type of insulation used and structure covered, using a staple gun, trowel, paintbrush, or caulking gun; removes asbestos**from ceilings, walls, beams, boilers, and other structures, following hazardous waste handling guidelines; positions portable air evacuation and filtration system inside work area; sprays chemical solution over asbestos covered surfaces, using a tank with an attached hose and nozzle, to soften asbestos; cuts and scrapes asbestos from surfaces, using a knife and scraper; shovels asbestos into plastic disposal bags and seals bags, using duct tape; cleans work area of loose asbestos, using a vacuum, broom, and dust pan; places asbestos in disposal bags and seals bags, using duct tape; dismantles scaffolding and temporary walkway, using hand tools, and places plastic sheeting and disposal bags into transport bags; and seals bags, using duct tape, and loads bags into truck. (*Note: Installation of insulation is also found in other classifications relating to other trades. **Note: Whenever asbestos is removed on any State construction project, all contractors and subcontractors must comply with the Tennessee Occupational Safety and Health Regulations in 29 Code of Federal Regulations 1926.1101.)
 12. “Ironworker” means one who performs any combination of the following duties to raise, place, and unite girders, columns, and other structural-steel members to form completed structures or structure frameworks, working as a member of a crew; sets up hoisting equipment for raising and placing structural-steel members; fastens steel members to cable of hoist, using a chain, cable, or rope; signals worker operating hoisting equipment

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to lift and place steel members; guides steel members using a tab line (rope) or rides on steel members in order to guide them into position; pulls, pushes, or pries steel members into approximate positions while steel members are supported by hoisting device; forces steel members into final positions, using turnbuckles, crowbars, jacks, and hand tools; aligns rivet holes in steel members with corresponding holes in previously placed steel members by driving drift pins or handle of wrench through holes; verifies vertical and horizontal alignment of steel members, using a plumb bob and level; bolts aligned steel members to keep them in position until they can be permanently riveted, bolted, or welded in place; catches hot rivets tossed by rivet heater (heat treating) in bucket and inserts rivets in holes, using tongs; bucks (holds) rivets while pneumatic riveter uses air-hammer to form heads on rivets; cuts and welds steel members to make alterations, using oxyacetylene welding equipment; may specialize in erecting or repairing specific types of structures and be designated bridge-maintenance worker (construction), chimney builder, reinforced concrete (construction), metal building (construction), or structural-steel equipment erector (construction); positions and secures steel bars in concrete forms to reinforce concrete; determines number, sizes, shapes, and locations of reinforcing rods from blueprints, sketches, or oral instructions; selects and places rods in forms, spacing and fastening them together, using wire and pliers; cuts bars to required lengths, using a hacksaw, bar cutters, or acetylene torch; may bend steel rods with hand tools or rod bending machine; may reinforce concrete with wire mesh; may weld reinforcing bars together, using arc-welding equipment; welds deck pans on a bridge, reinforcing supports for the concrete structure; installs wire, cable, steel and other materials used for the purpose of pre-stressing and post-stressing concrete girders, beams, columns, etc.; loads, unloads, hoists, handles, signals, places and erects all pre-stressed and post-stressed pre-cast material including grouting of post tension cables, glass fiber reinforced concrete panels, including the securing by bolting and/or welding and the installation of steeltex and wire mesh of any type when used for reinforced concrete construction; erects, trims, and fits together by means of bolts and clamps, iron grills, grating, and special stairways; erects ornamental enclosures and other ironwork not included in structural ironwork; fastens ironwork to walls of buildings by means of bolts, brackets, and anchors; fastens newel posts, balusters, and other parts of stairways by fastening to supports or embedding them in sockets; and forges, welds, drills, and cuts as needed.

13. "Laborer (Class A)" means one who performs any combination of the following duties on construction projects, usually working in a utility capacity, by transferring from one task to another where demands require a worker with varied experience and ability to work without close supervision. Laborers may not assist mechanics in the performance of mechanics' work using tools peculiar to an established trade. Their work is to be confined to the following tasks and operation of various power tools such as but not limited to: jackhammers, air tampers, vibrators, cat-crawlers, chipping hammers, motorized wheel-barrows, concrete saws, motorized posthole diggers, chain saws, air tools, power-driven tools, and mortar mixers. Laborers may have duties as mason tenders, asphalt rakers, form setters, strippers, and tool-room attendants. Included in this definition is one who performs a variety of tasks involving dextrous use of hands and tools such as demolishing buildings, sawing rough lumber, dismantling forms, removing projections from concrete, and mounting pipe hangers (work that is usually performed with other workers); uses a cutting torch for demolition work on steel or other metal structures; on utility projects, lays tile, concrete, or corrugated metal pipe, receiving pipe lowered from top of trench, inserting spigot end of pipe into bell end of last laid pipe, adjusting pipe to line and grade and sealing joints with cement or other sealing compound; assists in the pouring of concrete by spreading concrete, cleaning and caring of cement mason's tools, mixing mortar used in the patching of concrete, and performing other tasks as may be directed by cement mason or plasterer; mixes mortar for working; sets up scaffolding as directed by foreman; assists brickmasons, stonemasons, and

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blockmasons by preparing mortar mix, either by hand or machine, delivering material to masons on scaffolds, and operating small material moving equipment such as power buggies, hoists, mortar mix pumps and other similar equipment; erects and dismantles bricklayer scaffolds according to directions of mason; mixes plaster to be used in a machine designed to apply plaster to surfaces by means of a hose; handles and maintains hose, placing and moving machine; may service and maintain machine, as necessary; and may also be in charge of cleaning and caring for tools and equipment used in the preparation and application of plaster.

14. “Laborer (Class B) Unskilled” means one who may not assist mechanics in the performance of mechanics' work using tools peculiar to an established trade. Their work is to be confined to the following manual tasks: digging and filling holes and trenches; loading, unloading and stockpiling materials; cleaning and sweeping; driving stakes; stripping forms; ripping out material which is to be discarded; ground cleanup of roof removal work; roof removal work for demolitions; clearing and grubbing; flagging; operating chippers and/or stump grinders; cleaning, screening and feeding sand to hopper or pot of sandblasting machines; cleaning and preparing surfaces by the use of sandblasting equipment; assisting in setting up drill, assorting drill steels, and inserting drill steel into drill chuck (as wagon, air track, drill and diamond drillers' tender - outside); lubricating drills; cleaning and washing windows; performing landscaping duties including site development, soil preparation, fertilizing, the building of garden accessories, preparation for the installation of garden sprinkler systems, and operating small walking type farm equipment. Their duties shall not include electrical work, fencing, concrete retaining walls, or other work which is generally performed by skilled craftsmen.
15. “Millwright” means one who installs machinery and equipment according to layout plans, blueprints, and other drawings in an industrial establishment, using hoists, lift trucks, hand tools, and power tools; reads blueprints and schematic drawings to determine work procedures; dismantles machines, using hammers, wrenches, crowbars and other hand tools; moves machinery and equipment, using hoists, dollies, rollers, and trucks; assembles and installs equipment, such as shafting, conveyors, and tram rails, using hand tools and power tools; constructs foundations for machines, using hand tools and building materials, such as wood, cement, and steel; aligns machines and equipment, using hoists, jacks, hand tools, squares, rules, micrometers, and plumb bobs; assembles machines, and bolts, welds, rivets, or otherwise fastens them to foundations or other structures, using hand tools and power tools; may operate engine lathe to grind, file, and turn machine parts to dimensional specifications; may repair and lubricate machines and equipment; may install robot and modify its program, using a teach pendant; and may perform installation and maintenance work as part of team of skilled trades workers.
16. “Painter/Plaster” means one who applies coats of paint, varnish, stain, enamel, or lacquer to decorate and protect interior or exterior surfaces, trimmings, and fixtures of buildings and other structures; reads work orders or receives instructions from supervisor regarding painting; smooths surfaces, using sandpaper, brushes, or steel wool, and removes old paint from surfaces (to include lead based paint), using paint remover, scraper, wire brush, or blowtorch to prepare surfaces for painting; fills nail holes, cracks, and joints with caulk, putty, plaster, or other filler, using a caulking gun and putty knife; selects premixed paints, or mixes required portions of pigment, oil, and thinning and drying substances to prepare paint that matches specified colors; removes fixtures, such as pictures and electric switchcovers from walls prior to painting, using a screwdriver; spreads dropcloths over floors and room furnishings, and covers surfaces, such as baseboards, door frames, and windows with masking tape and paper to protect surfaces during painting; paints surfaces, using brushes, spray guns, or paint rollers; simulates

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wood grain, marble, brick, or tile effects; applies paint with cloth, brush, sponge, or fingers to create special effects; erects scaffolding or sets up ladders to perform tasks above ground level; may be designated according to type of work performed as: painter, interior finish (construction); painter, maintenance (any industry); or according to type of material used as calciminer (construction); or varnisher (construction); may also hang wallpaper and fabrics; may wash surfaces prior to painting with mildew remover, using a brush; may apply drywall finish to work which will include, but not be limited to the preparation or leveling of any surface or substrate which is to receive a coating, finish and/or wall covering for all levels of finishing and/or spackling of all surfaces, including gypsum wallboard taping and finishing, fire taping and all firestopping systems, glaze coatings, skim coating or any other finishing system, spotting of nails, finishing of corner beads/flex beads, patching and sanding that is within the system of preparing surfaces for finishes, and all stucco and dryvit systems; applies coats of plaster to interior walls, ceilings, and partitions of buildings, to produce finished surface, according to blueprints, architect's drawings, or oral instructions, using hand tools and portable power tools; directs workers to mix plaster to desired consistency and to erect scaffolds; spreads plaster over lath or masonry base, using a trowel, and smooths plaster with a darby and float to attain uniform thickness; sprays fireproof insulation onto steel beams; applies scratch, brown, or finish coats of plaster to wood, metal, or board lath successively; roughens undercoat with scratcher (wire or metal scraper) to provide bond for succeeding coats of plaster; creates decorative textures in finish coat by marking surface of coat with a brush and trowel or by spattering surface with pebbles; may install lathing; may mix mortar; may install guide wires on exterior surface of buildings to indicate thickness of plaster to be applied; may install precast ornamental plaster pieces by applying mortar to back of pieces and pressing pieces into place on wall or ceiling; molds and installs ornamental plaster panels and trim, and runs (casts) ornamental plaster cornices and moldings by either of the following methods: spreads freshly mixed plaster on table or in forms with a trowel when molding and installing ornamental trim; shapes plaster by hand, using a template and cuts trim to size after plaster has hardened; applies coat of plaster to wall and presses trim into position; nails wooden strips to wall and ceiling to serve as guide for template when casting (running) cornices or moldings; applies plaster to wall or ceiling, using a trowel, or pushes template over plaster striking off excess plaster until desired shape and smoothness of molding is obtained; applies weatherproof, decorative covering of portland cement or gypsum plaster to outside building surfaces, using hand tools; decorates final or finish coat by marking coat with sand, or with a brush or trowel, or by spattering with small stones; may nail wire mesh, lath, or similar material to outside surfaces to serve as binding device to hold stucco in place; may apply stucco, using a spray gun; and may install guide wires on surface of buildings to indicate thickness of stucco to be applied.

17. "Plumber/Pipe Fitter/Steam Fitter/Sprinkler Fitter" means one who lays out, assembles, installs, and maintains pipe systems, pipe supports, and related hydraulic and pneumatic equipment for steam, hot water, heating, cooling, lubricating, sprinkling, and industrial production and processing systems, applying knowledge of system operation, and following blueprints; selects type and size of pipe, and related materials and equipment, such as supports, hangers, and hydraulic cylinders, according to specifications; inspects work site to determine presence of obstructions and to ascertain that holes cut for pipe will not cause structural weakness; plans installation or repair to avoid obstruction and to avoid interfering with activities of other workers; cuts pipe, using saws, pipe cutter, hammer and chisel, cutting torch and pipe cutting machine; threads pipe, using a pipe threading machine; bends pipe, using pipe bending tools and pipe bending machine; assembles and installs a variety of metal and nonmetal pipes, tubes, and fittings, including iron, steel, copper, and plastic; connects pipes, using threaded, caulked, soldered, brazed, fused, or cemented joints and hand tools; secures pipes to structure

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with brackets, clamps, and hangers, using hand tools and power tools; installs and maintains hydraulic and pneumatic components of machines and equipment, such as pumps and cylinders, using hand tools; installs and maintains refrigeration and air-conditioning systems, including compressors, pumps, meters, pneumatic and hydraulic controls, and piping, using hand tools and power tools, and following specifications and blueprints; increases pressure in pipe system and observes connected pressure gauge to test system for leaks; may weld pipe supports to structural-steel members; may operate machinery to verify repair; may modify programs of automated machinery, such as robots and conveyors, to change motion and speed of machine, using a teach pendant, control panel, or keyboard and display screen of robot controller and programmable controller; may be designated steam fitter when installing piping systems that must withstand high pressure; assembles, installs, and repairs pipes, fittings, and fixtures of heating, water, and drainage systems, according to specifications and plumbing codes; studies building plans and working drawings to determine work aids required and sequence of installations; inspects structure to ascertain obstructions to be avoided to prevent weakening of structure resulting from installation of pipe; locates and marks position of pipes and pipe connections and passage holes for pipes in walls and floors, using a ruler, spirit level, and plumb bob; cuts openings in walls and floors to accommodate pipe and pipe fittings, using hand tools and power tools; cuts and threads pipe, using pipe cutters, cutting torch, and pipe-threading machine; bends pipe to required angle by use of pipe-bending machine or by placing pipe over block and bending it by hand; assembles and installs valves, pipe fittings, and pipes composed of metals, such as iron, steel, brass, lead, and nonmetals, such as glass, vitrified clay, and plastic, using hand tools and power tools; joins pipes by use of screws, bolts, fittings, solder, plastic solvent, and caulks joints; fills pipe system with water or air and reads pressure gauges to determine whether system is leaking; installs and repairs plumbing fixtures, such as sinks, commodes, bathtubs, water heaters, hot water tanks, garbage disposal units, dishwashers, and water softeners; repairs and maintains plumbing by replacing washers in leaky faucets, mending burst pipes, and opening clogged drains; may weld holding fixtures to structural-steel members; tests, adjusts and balances heating and cooling pipe systems in commercial and industrial buildings, using specialized tools and equipment to attain performance standards specified in system design; adjusts flow control valves in piping to balance system, using hand tools such as pliers, screwdrivers, and wrenches; works with balancing personnel to perform tests to see if the heating and cooling systems are operating to specifications and to detect malfunctions in piping system component parts; as a sprinkler fitter, installs and maintains all fire protection and fire control systems including the unloading, handling by hand power equipment and installation of all piping or tubing, appurtenances and equipment pertaining thereto, including both overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to sprinkler systems, sprinkler tank heaters, air lines and thermal systems used in connection with sprinkler and alarm systems, also all tanks and pumps connected thereto, also included shall be carbon dioxide (CO₂) and cardox systems, dry chemical systems, foam systems, halon and all other fire protection systems, the locating of and cutting or coring of all holes for piping and the setting of all sleeves and inserts required for the installation of the work.

18. "Roofer" means one who covers roofs with roofing materials other than sheet metal, such as composition shingles or sheets, wood shingles, or asphalt and gravel, to waterproof roofs; cuts roofing paper to size, using a knife, and nails or staples it to roof in overlapping strips to form base for roofing materials; aligns roofing material with edge of roof, and overlaps successive layers, gauging distance of overlap with chalkline, gauge on shingling hatchet, or by lines on shingles; fastens composition shingles or sheets to roof with asphalt, cement, or nails; punches holes in slate, tile, terra cotta, or wooden shingles, using a punch and hammer; cuts strips of flashing and fits them into

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angles formed by walls, vents, and intersecting roof surfaces; when applying asphalt or tar and gravel to roof, mops or pours hot asphalt or tar onto roof base; applies alternate layers of hot asphalt or tar and roofing paper until roof covering is as specified; applies gravel or pebbles over top layer, using a rake or stiff-bristled broom; may construct and attach prefabricated roof sections to rafters; may attach shingles to exterior walls and apply roofing paper and tar to shower pans, decks, and promenades to waterproof surfaces; installs insulation in connection with roofer's work; sprays roofs, sidings, and walls with urethane or polyurethane foam to bind, seal, insulate, or soundproof sections of structures; flips switches to start generator, air compressor, and heaters; turns nozzle on spray gun to obtain specified consistency of mixture; directs foam onto surfaces, and determines thickness of foam, using a probe; and connects hose of nitrogen tank to spray compound supply tank when spraying is completed, and turns valves to inject nitrogen into supply tank to prevent crystallization of compounds in tank.

19. "Sheet Metal Worker" means one who plans, lays out, fabricates, assembles, installs, and repairs sheet metal parts, equipment, and products, utilizing knowledge of working characteristics of metallic and nonmetallic materials, machining, and layout techniques using hand tools, power tools, machines, and equipment; reads and interprets blueprints, sketches, or product specifications to determine sequence and methods of fabricating, assembling, and installing sheet metal products; selects gauge and type of sheet metal, such as galvanized iron, copper, steel, aluminum, or nonmetallic materials such as plastics or fiberglass, according to product specifications; lays out and marks dimensions and reference lines on material, using scribes, dividers, squares, and rulers, applying knowledge of shop mathematics and layout techniques to develop and trace patterns of products or parts or using templates; sets up and operates fabricating machines, such as shears, brakes, presses, forming rolls, and routers, to cut, bend, block and form, or straighten materials; shapes metal material over anvil, block, or other form, using hand tools; trims, files, grinds, deburrs, buffs, and smoothes surfaces, using hand tools and portable power tools; welds, solders, bolts, rivets, screws, clips, caulks, or bonds component parts to assemble products, using hand tools, power tools, and equipment; installs assemblies in supportive framework according to blueprints, using hand tools, power tools, and lifting and handling devices; inspects assemblies and installation for conformance to specifications, using measuring instruments, such as calipers, scales, dial indicators, gauges, and micrometers; repairs and maintains sheet metal products; may operate computer-aided-drafting (CAD) equipment to develop scale drawings of product or system; may operate laser-beam cutter or plasma arc cutter to cut patterns from sheet metal; installs sheet metal duct work to facilitate the movement of air; and frequently specializes in such areas as ventilation and air-conditioning, restaurant equipment, and architectural sheet metal work.
20. "Truck Driver (3 or More Axles)" means one who operates trucks with 3 or more axles, dump trucks over 6 yards, dumpsters, semi-trailers, tandems escort and pilot vehicles, flat body material trucks, form trucks, greasers and steamers, rubber tired towing and pushing vehicles, A-frames, agitators or mixers, asphalt distributors, low-boys, batch trucks, euclid type or similar off-highway equipment, off-highway tandem back-dumps, specialized earth moving equipment, twin engine equipment, double-hitched equipment, and equipment similar to above.
21. "Truck Driver (2 Axles, Over 1 Ton)" means one who operates trucks with 2 axles over 1 ton, and 5 yard dump trucks.
22. "Truck Driver (2 Axles, 1 Ton and Less)" means one who operates small trucks such as panel trucks and pickups.

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- (b) The Commission hereby issues the following classifications of crafts of workers and helpers to be used for workers employed by highway contractors and subcontractors.
1. “Bricklayer” means one who lays out work from plans; sets up templates and guide lines; lays bricks, concrete blocks, tiles or other materials in the construction of manholes, catch basins, drop inlets, sidewalks, retaining walls, and other incidental structures; and may perform other related duties.
 2. “Carpenter” means one who lays out work from plans or sketches; builds wooden structures, such as concrete forms, falsework, pouring chutes, scaffolds, etc.; builds in place to line and grade, or prefabricates in units to be erected later; builds forms for bridges, drainage structures, walls, etc.; and may perform other related duties.
 3. “Class A Operator” means one who operates a backhoe/hydraulic excavator ($\frac{3}{4}$ yard and over), crane, end loader (3 yards and over), motor patrol (rough), tractor (crawler/utility), scraper, shovel, or trenching machine; and is further defined as follows:
 - (i) “Backhoe Operator” means one who operates boom-type equipment to hoist and move materials, raise and lower heavy weights, and perform other related operations; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The equipment is used for such work as excavations and may be used for other miscellaneous tasks for which crane or stick-type equipment is required.)
 - (ii) “Crane Operator” means one who operates boom-type equipment to hoist and move materials, raise and lower heavy weights and perform other related operations; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The equipment is used for such work as pouring concrete and setting steel. This work is subjected to strict inspection and must conform closely to specifications. The equipment may also be used for other miscellaneous tasks for which crane or stick-type equipment is required which may include hoist operations and pile driving operations.)
 - (iii) “End Loader Operator” means one who operates a rubber tired or crawler-type tractor with an attached bucket on the front end; moves levers to raise and lower to dump contents of bucket; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The machine is used to load materials from stockpiles, excavations, charging batch plants, and loading trucks.)
 - (iv) “Motor Crane Driver” means one who drives a heavy or medium-duty gasoline or diesel truck upon which is mounted a crane for picking up various objects; positions and levels truck at object to be lifted, fastens cables, operates levers or controls in lifting of objects in accordance with signals from designated worker on ground; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (v) “Motor Patrol Operator (Finish)” means one who rides in a control cab of a motor grader to move levers and hand-wheels to guide the machine and to regulate the scraper blade; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The blade is mounted on a carrying and turning circle at the front of the machine. The equipment is used to level dirt to a fine grade and to lay asphalt and flexible

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base materials. This work is subjected to strict inspection and must conform closely to specifications.)

4. “Class B Operator” means one who operates a backhoe/hydraulic excavator (less than $\frac{3}{4}$ yard), bulldozer or push dozer, end loader (less than 3 yards), motor patrol (rough), tractor (crawler/utility), scraper, shovel, or trenching machine; and is further defined as follows:
 - (i) “Bulldozer or Push Dozer Operator” means one who operates a large tractor with a concave steel blade or push block mounted in front of the chassis; regulates heights of blades or push blocks from the ground; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The equipment is used to level, distribute and push earth. The work is subjected to strict inspection and must conform closely to specifications. The equipment may also be used as a pusher to load earth-carrying equipment. At times a ripper attachment is used for ripping the earth prior to loading the scraper.)
 - (ii) “Motor Patrol Operator (Rough)” means one who rides in a control cab of a motor grader to move levers and hand-wheels to guide the machine and to regulate the scraper blade; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The blade is mounted on a carrying and turning circle at the front of the machine. The equipment is used to level dirt to a rough grade and to lay asphalt and flexible base materials.)
 - (iii) “Scraper Operator” means one who operates a self-propelled rubber tired or tractor drawn unit known as a scraper, pan, etc. to excavate, transport, and deposit materials moved in normal grading operations; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (iv) “Shovel Operator (Dragline)” means one who operates boom-type equipment to hoist and move materials, raise and lower heavy weights, and perform other related operations; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The equipment is used for such work in excavations to load haulage equipment with material. Equipment may be used for other miscellaneous tasks for which crane or stick-type equipment is required. It may include hoist operations and pile driving operations.)
 - (v) “Tractor Operator (Crawler or Utility)” means one who operates a gasoline or diesel powered crawler tread or rubber tired tractor to haul heavier implements such as large root plows, heavy sheepfoot rollers, large pneumatic rollers, water tanks, trailers, etc. used in heavy ground clearing operations; uses miscellaneous attachments such as a post-hole digger; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (vi) “Trenching Machine Operator” means one who moves levers to operate a power-driven machine that digs trenches for sewers, water, drainage, oil, or gas pipelines; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The trenching machine is mounted on crawler treads or rubber tires with the digging equipment usually

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consisting of an endless chain or wheel of edged buckets that excavate and deposit the material on a conveyor belt that in turn discharges the material at the side of the trench.)

5. “Class C Operator” means one who operates an asphalt paver, concrete finishing machine, concrete paver, scale, spreader (self-propelled), concrete grinder, asphalt milling machine, or boring machine (horizontal); and is further defined as follows:
 - (i) “Asphalt Milling Machine Operator” means one who uses a specialized machine to mill asphalt for use in resurfacing highways, etc.; and may perform other related duties.
 - (ii) “Asphalt Paver Machine Operator” means one who manipulates hand or foot levers to control movements of a paving machine that spreads and levels asphalted concrete on the sub-grade of a highway; turns hand-wheels to raise or lower screeds, and regulates width of screeds; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (iii) “Concrete Finishing Machine Operator” means one who operates a self-propelled machine which travels on concrete paving forms; levels fresh concrete to an approximate grade and contour by pushing and pulling two (2) screeds over the surface; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (iv) “Concrete Grinder Operator” means one who uses a self-propelled machine to grind out concrete surfaces; and may perform other related duties.
 - (v) “Concrete Paver Operator” means one who operates a paving machine that travels on forms or in slipform operation; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (vi) “Scale Operator” means one who weighs materials in trucks prior to deliveries; records net and gross weights, truck numbers, and kinds of materials; may weigh empty trucks on the truck scale in order to compute net weights; may issue weight tickets on certain types of scale equipment since the job is clerical in nature; and may perform other related duties.
 - (vii) “Spreader Operator (Self-Propelled)” means one who drives a self-propelled vehicle, consisting primarily of a hopper mounted on pneumatic-tired wheels, used to spread crushed aggregate on bituminous roadway material; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
6. “Class D Operator” means one who operates a bobcat, central mixing plant, concrete pump, concrete saw, curb machine (automatic or manual), dozer or loader (stockpile), drill (piling), mulcher or seeder, rock drill (truck mounted), roller (asphalt), roller (compaction self-propelled), soil stabilization machine, tractor (boom and hoist), bituminous distributor machine, pump, track drill, or striping machine; and is further defined as follows:

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- (i) “Bituminous Distributor Machine Operator” means one who operates a machine that spreads and levels hot-mix bituminous paving material on the sub-grade of highways and streets; and may perform other related duties.
- (ii) “Bobcat Operator” means one who uses small tractor-type equipment for excavations, backfill trenching or smoothing with a blade-lift, scoop or bucket; and may perform other related duties.
- (iii) “Boring Machine Operator (Horizontal)” means one who sets up and operates a drilling mechanism that drills holes horizontally; levels a machine by placing timbers under wheels or tracks; inserts and fastens drill steel in chuck; adjusts angles of drill towers and bolts into position; controls drilling and speed of drill by moving levels; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (iv) “Central Mix Plant Operator (Asphalt or Concrete)” means one who operates a stationary or portable batching plant in mixing concrete materials or asphaltic materials and aggregates to produce asphaltic or concrete paving materials; adjusts controls for required mixture of the materials; operates controls that admit materials separately from storage hoppers or mixing bins; observes indicators that show when proper amounts of materials have been made; discharges materials from bins into trucks or other carriers or mixers; and may perform other related duties.
- (v) “Concrete Saw Operator” means one who operates a water-cooled power saw with either a diamond or an abrasive blade to saw expansion and contraction joints in concrete paving or asphaltic pavements; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (vi) “Curb Machine Operator (Automatic)” means one who operates a self-propelled machine which finishes fresh concrete to a contour by pushing and pulling two (2) screeds over the surface; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (vii) “Curb Machine Operator (Manual)” means one who operates a manual curb machine which by auger action forces compacted fresh concrete or asphalt through a tube to form an extruded curb along a contour to a grade; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (viii) “Distributor Operator (Bituminous)” means one who drives a truck equipped with a tank and controls for regulating distribution of bituminous materials for highway surfacing; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (ix) “Ditch Paver Machine Operator” means one who operates a self-propelled machine in pouring concrete ditch paving; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (x) “Dozer or Loader (Stock Pile Only)” means one who operates a rubber tired or crawler-type tractor with an attached bucket on the front end; moves levers to raise and lower to dump contents of bucket; may oil, grease or otherwise service

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and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The machine is used to load materials from stockpiles, charging batch plants, and loading trucks.)

- (xi) “Drill Operator (Piling)” means one who sets up and operates a drill mechanism for driving piling; levels and positions drill; adjusts angle of drill; controls drilling and speed of drill by moving controls; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xii) “Mulcher or Seeder Operator” means one who operates a mulching machine for the placement of mulched materials; operates a gun for distribution; feeds machine as required; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xiii) “Pile Driver Operator” means one who operates a machine either crane or skid mounted with leads and hammer or jets for driving piling; assists other workers in setting up pile drive leads; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xiv) “Pump Operator” means one who operates a concrete, fuel, or other fluid pump; sets up pump and lays pipes or flexible lines; operates power unit of pump; takes pipelines apart to clean and store; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xv) “Roller Operator (Asphalt)” means one who operates a self-propelled machine with either two or three steel flat wheels, which is used to compact plant mix asphalt pavement; rides on the platform of a machine and moves levers, pedals, or throttles to control and guide the machine; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xvi) “Roller Operator (Other than Asphalt)” means one who operates a crawler tread tractor to pull a grid, sheepfoot, or extra-heavy pneumatic roller, which is used to compact earth fills, flexible bases, etc.; operates a tractor by manipulating the throttle, levers, and pedals and steers tractor by working levers or pedals that individually control both crawler treads; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xvii) “Soil Stabilization Machine Operator” means one who operates a self-propelled rubber tired or crawler-type equipment to mix and spread road materials for soil stabilization with cement, asphalt, lime, fly ash, etc.; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xviii) “Striping Machine Operator” means one who rides the back of a paint truck and uses a specialized machine on pavement to apply paint or thermo plastic; aligns lower carriages as necessary; and may perform other related duties.
- (xix) “Track Drill Operator” means one who operates a drilling machine, such as a wagon drill, air trac, well driller, etc. for the purpose of drilling rock, shale, or

(Rule 0800-3-2-.02, continued)

other materials; starts, stops and services portable air compressors; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.

- (xx) “Tractor Operator (Boom and Hoist)” means one who operates a rubber tired or crawler-type tractor with an attached boom and hoist; moves levers to raise and lower materials and miscellaneous items in trenches and excavations; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
7. “Concrete Finisher” means one who finishes wet surfaces to grade with hand tools, floats, trowels, screeds, templates and straight edges on all types of concrete work requiring a fine finish; and may perform other related duties.
8. “Drill Operator (Caisson)” means one who sets up and operates a drill mechanism for caissons; levels and positions drill; adjusts angle of drill; controls drilling and speed of drill by moving controls; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
9. “Electrician” means one who plans and executes the layout of electrical conduits; installs wiring systems, switch-panels, and buss bars; works on overhead distribution systems and underground distribution systems; and may perform other related duties.
10. “Farm Tractor Operator (Power Broom)” means one who operates a small gasoline or diesel powered four-wheel, rubber tired tractor of the farm type; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The tractor is used to pull pneumatic rollers and is operated by steering with the wheel and brake clutch.)
11. “Ironworker - Reinforcing” means one who performs layout work of rods within area to be paved; fastens rods in place with wire or fasteners and bends or adjusts as required; selects and places steel bars or spirals in concrete forms to reinforce concrete; may cut rods with hack-saw or oxyacetylene torch; may bend rods, using a rod-bending machine; may prefabricate reinforcement assembly for placement complete in forms; and may perform other related ironwork duties.
12. “Ironworker - Structural” means one who works as a member of a group that raises and places fabricated structural-steel members, such as girders, plates, and columns to unite them permanently to form a completed structural-steel framework; heats rivets, signals erection cranes, splices cables, and rigs equipment which may include dismantling and erecting large units of equipment; may spin suspension bridge cables; and may perform other related ironwork duties.
13. “Mechanic - Class I (Heavy Duty)” means one who assembles, sets up, adjusts, maintains and repairs all types of construction equipment, such as internal combustion engines, air compressors, pumps, concrete mixers, heavy earth moving equipment, rock crushers, and paving equipment; may perform the duties of a welder in repair of equipment; and may perform other related duties.
14. “Mechanic - Class II (Light Duty)” means one who assembles, sets up, adjusts, maintains and repairs all types of construction equipment, such as internal combustion engines, air compressors, pumps, concrete mixers, heavy earth moving equipment, rock crushers, and paving equipment; may perform the duties of a welder in repair of equipment; and may

(Rule 0800-3-2-.02, continued)

perform other related duties and periodically needs and receives assistance from a mechanic - class I.

15. “Painter or Sandblaster” means one who sandblasts surfaces of structures, stone, etc. by currents of air or steam carrying sand at a high velocity in painting preparation; paints sign posts, signs, bridges and structures, etc. with either a brush, roller or spray; and may perform other related duties.
16. “Powder Person (Blaster)” means one who supervises and assists in locating, loading, and firing blast holes for breaking up hard materials; enlarges bottom of drilled holes by discharging small quantities of explosives; inserts detonator in a charge of explosive, attaching a fuse or electrical wires, the stick and detonator forming a primer, the discharge of which effects the discharge of the remainder of the explosive; charges hole by placing explosive, including stick that contains detonator, in hole and tamping lightly with a pole; depresses handle of blasting machine or lights fuse to fire explosive; may use prima-cord or delay caps; and may perform other related duties.
17. “Skilled Laborer” means one who is an air tool operator, asphalt raker, chain saw operator, concrete mixer operator (less than 1 yard), concrete rubber, edger, fence erector, form setter (steel road), guard rail erector, mechanics helper (tire changer or oiler), mortar mixer, nozzleman or gun operator (gunite), pipelayer, sign erector, or survey helper/rodman; and is further defined as follows:
 - (i) “Air Tool Operator” means one who is a semi-skilled laborer who uses a tool driven by compressed air to perform such work as breaking old pavement, loosening or digging hard earth, trimming bottoms and sides of trenches, breaking large rocks, chipping concrete, trimming or cutting stone or compaction of earthen backfill; and may perform other related semi-skilled duties.
 - (ii) “Asphalt Raker” means one who distributes asphalted road-building materials evenly over a road surface by raking and brushing material to correct thickness; directs asphalt shovelers when to add or take away material to fill low spots or to reduce high spots; and may perform other related duties.
 - (iii) “Chain Saw Operator” means one who operates a chain saw with employer fuel or current for power; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (iv) “Concrete Mixer Operator (Less Than 1 Yard)” means one who operates a small portable concrete mixing machine to mix sand, gravel, cement and water to make concrete; starts power units and does loading of materials; controls mixing by levers to discharge concrete from drums; rises drums with water to remove adhering concrete; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The small machines are sometimes charged by operators shoveling in the proportions of materials directly into the mixing drums, and some others have a skip into which materials are shoveled or dumped before being hoisted into the mixing drums.)
 - (v) “Concrete Rubber” means one who uses tools on exposed surfaces of concrete masonry after the forms have been removed to patch holes with fresh concrete; rubs surfaces with abrasive stone to remove rough spots; and may perform other related duties.

(Rule 0800-3-2-.02, continued)

- (vi) “Fence Erector” means one who digs holes for posts, drives posts, attaches fences, and pours incidental concrete; and may perform other related duties.
 - (vii) “Form Setter (Steel Road)” means one who fits together, aligns and grades metal road forms for holding concrete in place on road and street surfaces; dismantles, moves and cleans forms after concrete hardens; and may perform other related semi-skilled duties.
 - (viii) “Guard Rail Erector” means one who digs holes for posts, drives posts, attaches guard rails, pours incidental concrete, and paints guard rails; and may perform other related duties.
 - (ix) “Nozzleman or Gunman (Gunitite)” means one who handles the equipment and directs the placing of concrete or mortar that is moved by pneumatic equipment such as gunitite; may fine-grade and place wire mesh at times; and may perform other related semi-skilled duties.
 - (x) “Pipelayer” means one who lays, connects, inspects and tests water lines, force mains, gas lines, sanitary or storm sewers and drains, underground telephone and electric ducts or other utilities manufactured from clay, concrete, steel, plastic, cast iron pipe, or other similar materials; may smooth bottom of trench to proper elevation by scooping with a shovel; receives pipe lowered from top of trench; inserts spigot end of pipe into bell end of last laid pipe; adjusts pipe to line and grade; caulks and seals joint with cement or other sealing compound; may connect threaded or flanged joint pipe; may assemble and place corrugated metal or plastic pipe; and may perform other related duties.
 - (xi) “Sign Erector” means one who reads plans; makes layouts for erection of signs; cuts, ties, and sets reinforcing steel; sets forms for concrete; pours concrete; sets anchor bolts; erects wood or metal structures; places clamps, brackets, or other required hardware on structures; and may perform other related duties.
 - (xii) “Welder's Helper (Any Class to Which the Work Is Incidental)” means one who is a learner or worker semi-skilled in welding who assists the welder in electric arc and acetylene welding; assists in oxyacetylene cutting and layout; and may perform other related duties.
18. “Survey Instrument Operator” means one who obtains data pertaining to angles, elevations, points, and contours used for construction, mapmaking, mining, or other purposes, using an alidade, level, and transurveying instruments; compiles notes, sketches, and records of data obtained and work performed; directs work of subordinate members of survey team; and performs other duties relating to surveying work as directed by chief of party.
19. “Sweeping Machine (Vacuum) Operator” means one who drives a sweeping machine that cleans streets of trash and other accumulations; fills water tank of machine from hydrant; drives sweeper along street near curbs; moves controls to activate rotary brushes and water spray so that machine automatically picks up dust and trash from paved streets and deposits it in a dirt trap at the rear of the machine; and pulls lever to dump refuse in piles at curbs for removal.
20. “Truck Driver (2 Axles)” means one who drives a multi-rear axle truck for transporting construction materials; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. (Note: The

(Rule 0800-3-2-.02, continued)

truck may have various kinds of bends attached, such as a dump, flat bed, water tank, etc. The truck may be a water wagon, service truck, hoist truck, etc.)

21. “Truck Driver (3 or 4 Axles)” means one who may pull a semi-trailer or trailer to transport construction equipment and materials.
22. “Truck Driver (5 or More Axles/Heavy Duty Off-the-Road)” means one who operates heavy duty off-road or rock moving equipment, such as, but not limited to a Koehring dumpster, Euclid either back or bottom dump, International Payhauler, etc.; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
23. “Unskilled Laborer” means one who works in construction covering many unskilled occupations; works with all crews doing everything from pick and shovel work to cleaning up lumber, and hammering, shoveling and placing concrete; applies coats of oil to inside face of forms; strips forms; works on rock crushers to feed traps; opens cement sacks to batch plant; lowers pipes into ditches for pipelayers; works with dirt crew to move construction layout stakes; serves as dump man; spreads hot asphaltic material over roadbeds with shovel; operates hand concrete buggy or wheelbarrow; helps painter to prepare surfaces for painting and cleans paint equipment; carries rods to forms or attaches them to cable of hoisting machines; and may perform other related duties; and is further defined as follows:
 - (i) “Mortar Mixer (Hand)” means one who mixes proportions of material in skip; may do or oversee loading of materials in skip by shoveling; and may perform other related duties.
 - (ii) “Survey Helper/Rodman” means one who performs any of the following duties to assist in surveying land: holds level or stadia rod at designated points to assist in determining elevations and laying out stakes for mapmaking, construction, mining, land, and other surveys; calls out reading or writes station number and reading in notebook; marks points of measurement with elevation, station number, or other identifying mark; measures distance between survey points, using a steel or cloth tape or surveyor’s chain; marks measuring points with keel (marking crayon), paint sticks, scratches, tacks, or stakes; places stakes at designated points and drives them into the ground at specified elevations, using a hammer or hatchet; and cuts and clears brush and trees from the line of survey, using a brush hook, knife, ax, or other cutting tools.
24. “Worksite Traffic Coordinator” means one who supervises and coordinates activities of workers engaged in installing and repairing traffic signals, and erecting signs or devices, such as traffic islands and barriers; and may perform other related duties.

Authority: T.C.A. §§12-4-405(3)(A), 12-4-405(3)(B), 12-4-411, and 12-4-415. **Administrative History:** Original Rule filed June 14, 1976; effective July 14, 1976. Repeal and new rule filed March 12, 1987; effective April 26, 1987. Repeal and new rule filed June 30, 2006; effective September 13, 2006.

0800-3-2-.03 EFFECTIVE DATES.

Pursuant to the Prevailing Wage Act of 1975 this Commission shall determine and establish the prevailing wage rate biennially for covered workers of building contractors and annually for covered workers of highway contractors on state construction projects. The highway wage rate promulgated by the Commission will be effective from January 1 to December 31 of each year. The building wage rate promulgated by the Commission will be effective from the first day of January after the building rate is set and will remain in effect for two (2) years ending on

(Rule 0800-3-2-.03, continued)

December 31 of the second year. No contract shall be let by any state agency or by any municipality, county, or other political subdivision for a state construction project not in compliance with the prevailing wage rates as established by this Commission.

Authority: T.C.A. §§12-4-406, 12-4-405(4), 12-4-408. **Administrative History:** Original Rule filed June 14, 1976; effective July 14, 1976. Repeal and new rule filed March 12, 1987; effective April 26, 1987.

0800-3-2-.04 CONSTRUCTION WAGES.

The bid specifications issued by the contracting agency for a state construction project shall include the prevailing wage rates that are in effect on the date the bid is advertised. The same rates that are contained in the bid specifications shall be made a part of the contract awarded pursuant to the bid.

Authority: T.C.A. §§12-4-407, 12-4-408, 12-4-415. **Administrative History:** Original Rule filed June 14, 1976; effective July 14, 1976. Repeal and new rule filed March 12, 1987; effective April 26, 1987.

0800-3-2-.05 REGULATIONS FOR CONTRACTORS AND CONTRACTS.

- (1) All State construction project contracts between the contracting state agency and the building or highway contractors or subcontractors shall include the following:
 - (a) All contractors and subcontractors shall:
 1. Classify all covered workers in conformity with the schedule of classifications issued by the Commission in accordance with Rule 0800-3-2-.02.
 2. Post the prevailing wage rates at the site of construction in a prominent place and make these rates available to all covered workers employed on the project at all reasonable times.
 3. Pay overtime compensation as required by any applicable federal or state laws, rules, or regulations or as may be required by the contract with the state agency.
 4. Make only those deductions from wages authorized by law.
 5. Submit weekly a copy of all payrolls to the contracting state agency. The contractor or subcontractor shall certify that the payrolls are correct and complete, and that the wage rates paid to covered workers during the reporting period equal or exceed those determined by the Commission, and that the classifications set forth for each covered worker conform with the work s/he performs. The contracting state agency shall promptly submit the contractor's or subcontractor's weekly payroll statements to the Commission. The contractor or subcontractor shall make its employment records available for inspection by representatives of the contracting state agency, the Commission, and the Tennessee Department of Labor and Workforce Development, and will permit such representative to visit construction projects at all reasonable times.
 6. Incorporate into each awarded contract a bonding provision in accordance with T.C.A. §12-4-409.
 7. Pay the rate of wages established by the Commission on all classifications of work that may be used by the contractor or subcontractor in carrying out the contractual agreement between the contractor or subcontractor and the contracting state agency.

(Rule 0800-3-2-.05, continued)

8. The Commission or any employee of any contractor or subcontractor whose wages are determined pursuant to the Act may maintain an action against any contractor or subcontractor for the breach of any condition of any performance bond given under the provisions of the Act, and, in case of breach of any provision of such bond, the particular state agency which awarded the contract may advertise the work and relet the contract in the same manner as the original letting.

Authority: T.C.A. §§12-4-403, 12-4-405(1)(B), 12-4-405(4), 12-4-408, 12-4-409, 12-4-410, 12-4-411, 12-4-412, 12-4-413, and 12-4-415. **Administrative History:** Original Rule certified filed June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987. Repeal and new rule filed June 30, 2006; effective September 13, 2006.

0800-3-2-.06 REGULATIONS FOR STATE AGENCIES.

State agencies entering into contracts governed by T.C.A. §12-4-401 et seq., shall submit the names of the project, address of the project site, and name and address of the successful bidder to the Commission within ten (10) working days of execution of the contract.

Authority: T.C.A. §§12-4-408, 12-4-413. **Administrative History:** Original Rule certified filed June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987.

0800-3-2-.07 REGULATIONS FOR COMMISSION.

The Commission shall:

- (1) Check the weekly payrolls submitted by contractors and subcontractors together with conditions at the job site in order to determine that workers have been properly classified in accordance with the work performed by them.
- (2) Ascertain whether the wage rate schedule has been posted at the site in a prominent place.
- (3) Make inquiry of a number of workers sufficient to indicate whether full wages earned have been paid.
- (4) Examine the weekly payrolls submitted by contractors and subcontractors in order to determine whether hourly rates equal to or exceeding those determined by the Commission have been paid for the classifications of covered workers being employed.

Authority: T.C.A. §§12-4-408, 12-4-410, 12-4-411, 12-4-412, 12-4-413, 12-4-414, and 12-4-415. **Administrative History:** Original Rule certified filed June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987.

0800-3-2-.08 PREVAILING WAGE SURVEY.

- (1) Subcontractors who elect to respond to the Prevailing Wage Survey shall submit the data required in T.C.A. §12-4-405 on the portion of any construction projects on which they worked. No other contractor may submit data on behalf of a subcontractor.
- (2) The term “immediately preceding calendar quarter” referred to in T.C.A. §12-4-405(1)(A) and (B) means the months of July, August, and September.
- (3) Contractors, who pursuant to T.C.A. §12-4-405 furnish payroll data to the Commission for its prevailing wage determination, shall provide straight time hourly wage rates. Fringe benefits or overtime rates shall not be included in the hourly rates submitted.

(Rule 0800-3-2-.08, continued)

- (4) In each prevailing wage determination, the Commission shall have the authority to designate the classifications of crafts of workers subject to the Prevailing Wage Act. The Commission is not restricted to the use of the classifications enumerated in T.C.A. §12-4-405, and it may from time-to-time combine or group classifications, add new classifications, and delete classifications.
- (5) If the Commission rejects payroll documentation submitted by a contractor pursuant to the survey conducted under T.C.A. §12-4-405, the Commission shall notify the affected contractor or his representative, as soon as possible, of the reasons for not considering the documentation in the Commission's prevailing wage rate determination. The affected contractor or his representative shall be advised of the right to appear and testify at the public hearing relative to the prevailing wage determination. Incomplete surveys received by the Commission may be completed by the contractor or subcontractor providing the information within a reasonable time after submission, but in no case later than the date of the public hearing setting the rates.
- (6) Contractors who furnish payroll documentation to the Commission in response to the prevailing wage survey shall provide such data to the Commission by October 31 of the survey year. Documentation which is sent by mail must be postmarked no later than October 31 and must be received by the Commission by the 3rd state business day following October 31.
- (7) In any classification of a craft of workers listed on the prevailing wage survey form where four (4) or fewer separate survey responses are received, these responses may be excluded from establishing the rates. Where the data is excluded, the Commission may continue the rate in existence at the time of the survey or adjust it pursuant to T.C.A. §12-4-405(4).

Authority: T.C.A. §§12-4-405, 12-4-406. *Administrative History:* Original rule certified filed June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987.

0800-3-2-.09 REPEALED.

Authority: T.C.A. Title 12, chapter 4. *Administrative History:* Original rule certified filed June 10, 1974. Amendment filed March 12, 1987; effective April 26, 1987.

0800-3-2-.10 REPEALED.

Authority: Chapter 368, Tennessee Public Acts of 1975. *Administrative History:* Original rule certified filed June 10, 1974. Amendment filed March 12, 1987; effective April 26, 1987.

12-4-401. Short title.

This part shall be known and may be cited as the "Prevailing Wage Act for State Highway Construction Projects."

12-4-402. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Commission" means the prevailing wage commission;
- (2) "Highway contractor" means any contractor, subcontractor, person, firm, or corporation engaged in a state construction project for the purpose of building, rebuilding, locating, relocating, or repairing any public highway;
- (3) "Prevailing wage" means the rate of pay as determined according to this part;
- (4) "Public highway" means any street, road, highway, expressway, bridge, or viaduct, including an adjacent right-of-way, that is constructed or maintained by the state, or any municipality or political subdivision of the state, and that is funded in whole or in part with federal or state highway funds;
- (5) "State contract" means any contractual agreement, written or oral, entered into by any person, firm or corporation with this state for the performance of work on a state highway construction project; and
- (6) "State highway construction project" means any construction project for the purpose of building, rebuilding, locating, relocating, or repairing any public highway.

12-4-403. Establishment and payment of prevailing wage.

- (a) It is hereby declared to be the policy of this state that the prevailing wage rate be determined by defined standards and that such rate be paid workers on all state highway construction projects.
- (b) Any highway contractor entering into a state contract for the performance of work on state highway construction projects shall pay not less than the prevailing wage rate for all types and classifications of such work as determined by this part.

12-4-404. Prevailing wage commission.

- (a) There shall be a prevailing wage commission composed of five (5) members, including the commissioner of labor and workforce development, who shall serve as chair, the state architect, and the commissioner of transportation or the commissioner's designee. Two (2) members shall be appointed by the governor who shall serve terms of two (2) years.
- (b) The commission has the duty of determining the prevailing wage rate for state highway construction.
- (c) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

12-4-405. Determination of prevailing wage.

For purposes of this part, the prevailing wage rate shall be determined as follows:

(1) Every highway contractor, as herein defined, in the state of Tennessee, shall have the right to certify, on contracts entered into, to the commission, on or before October 31 in each year that a determination is to be made, the following:

(A) Copies of payroll records for the immediate preceding calendar quarter by area as defined in subdivision (2); and

(B) The numbers of hours worked and the straight time rate per hour paid for such hours in each of the classifications referred to in this part by area as defined in subdivision (2) for the immediate preceding calendar quarter;

(2)

(A) [Deleted by 2013 amendment, effective January 1, 2014.]

(B) For purposes of calculating the prevailing wage rate for workers employed by highway contractors, the state shall be deemed to consist of one (1) statewide area;

(3)

(A) [Deleted by 2013 amendment, effective January 1, 2014.]

(B) For purposes of determining the prevailing wage rate for workers employed by highway contractors, the commission may issue classifications of crafts of workers including, but not limited to, the following: bricklayers; iron workers, structural; iron workers, reinforcing; carpenters or leadspersons; cement masons; nozzlepersons or gunpersons (gunitite); painters or sandblasters; shovel operators; backhoe operators; crane operators; end loaders; pile driver operators; motor patrols, finish; concrete paver operators; mechanics, Class I; mechanics, Class II; motor patrols (rough); bulldozer or push dozer operators; scraper operators; trenching machine operators; central mixing (asphalt or concrete); tractors, booms and hoists; concrete finishing machines; soil cement machines; asphalt pavers; rollers, high type; spreaders, self propelled; distributors, bituminous; roller, other than finish; tractor, crawler, utility; dozers or loaders, stock piles only; concrete mixers, less than one (1) yard; mulchers or seeders; earth drills; scale operators; tractors, farm; curb machines; ditch pavers; pump operators; concrete saws; guardrail erectors; sign erectors; motor crane drivers; fence erectors; firefighters; asphalt rakers; tract drill operators; concrete edgers; powder persons; form setters, steel rods; air tool operators; mortar mixers; chain saws; pipe layers; concrete rubbers; laborers; flaggers; oilers; welder's helpers; mechanic's helpers; electricians; truck drivers, two (2) and three (3) axles; truck drivers, four (4) and five (5) axles or more or heavy duty off-the-road trucks; welders, receive rate for craft performing operation to which welding is incidental;

(4) The prevailing wage rate for each area specified in subdivisions (2)(A) and (B) shall be determined by calculating the average hourly rate of pay for each classification referred to in subdivisions (3)(A) and (B). The commission shall determine the prevailing wage annually for highway construction from the documentation certified to the commission pursuant to subdivision (1). The commission, if it ascertains that current economic conditions warrant, can adjust the final wage determination as developed by the documentation certified to the commission by adding to or subtracting from the determination a percentage factor of not more than six percent (6%), based on the previous year's prevailing wage rates. Such determination shall be effective until the next determination of the prevailing wage rate pursuant to the terms hereof, unless herein otherwise specifically provided. The prevailing wage rate must be determined pursuant to this part and the failure of any highway contractor or contractors to provide the documentation referred to in subdivision (1) shall not affect such determination;

(5)

(A) The commission shall determine the prevailing wage rate pursuant to the terms of this part and give notice thereof on or before December 1 of each year a determination is to be made. The commission shall give notice of such prevailing wage rate to all highway contractors who submitted documentation in accordance with subdivision (1) and to any others making written request for such notice. Such notice shall include the time and place of the public hearing required by § 12-4-406. The commission shall take all reasonable steps to verify the survey results submitted to it by highway contractors pursuant to this part, and may, at any time, after first holding a public hearing thereon, adjust wage rates so that they reflect only survey data which has been verified by the commission;

(B) The prevailing wage commission is urged to continue its efforts to develop an Internet application for the submission of survey forms by highway contractors and periodically update the general assembly on the progress of such development; and

(6) Until such time as the commission makes a prevailing wage rate determination pursuant to this part, the prevailing wage rate in effect on April 23, 1975, shall be considered to be the prevailing wage rate.

12-4-406. Review of prevailing wage determination.

(a) The commission shall conduct a public hearing within ten (10) days of the notice required in § 12-4-405. At such public hearing, the commission shall present the documentation provided for in this part other than payroll records, and any other facts upon which the prevailing wage determination was made. Any interested party may present any other facts or documentation material to the determination of the prevailing wage rate at such hearing. Within ten (10) days after such public hearing, the commission shall give notice of its final determination on such prevailing wage rate to all highway contractors who submitted documentation in accordance with this part and to any others making written request for such notice.

(b) Judicial review of such final determination of the prevailing wage rate shall be in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.