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Sequence Number: 04-12-24
Notice ID(s): 3825
File Date: 4/17/2024

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Department of Labor & Workforce Development
Division:	Legal
Contact Person:	Chance Deason
Address:	220 French Landing Drive, Nashville, Tn 37243
Phone:	615-532-6699
Email:	Chance.Deason@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Evelyn Gaines-Guzman
Address:	220 French Landing Drive, Nashville, Tn 37243
Phone:	615-253-1331
Email:	Evelyn.gaines.guzman@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	220 French Landing Drive		
Address 2:			
City:	Nashville, TN		
Zip:	37243		
Hearing Date:	06/07/2024		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	
		<input type="checkbox"/> EST/EDT	

Additional Hearing Information:

The hearing will be in the Volunteer Room.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0800-03-02	Prevailing Wage Commission Rules
Rule Number	Rule Title
0800-03-02-.01	Definitions
0800-03-02-.02	Classification of Covered Workers
0800-03-02-.09	Copy Fee

Chapter 0800-03-02

Prevailing Wage Commission Rules

Amendments

Rule 0800-03-02-.01 Definitions is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) As used in these rules, unless the context otherwise requires:
- (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/her 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 Department of Labor and Workforce Development ("Department").
 - (c) "Covered Worker" means a worker employed on a state highway construction project as defined by T.C.A. § 12-4-402(6).
 - (d) "Subcontractor" means one who performs part of the work called for in the 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 site.
 - (e) "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.
 - (f) "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.
 - (g) "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.

- (h) "State highway construction project" means any construction project for the purpose of building, rebuilding, locating, relocating, or repairing any public highway.
- (2) Tennessee Prevailing Wage Rates apply to any state agency, any municipality, county, or other political subdivision of the State and any highway contractor entering into a state contract for the performance of work on state highway construction projects. If an entity not defined above so chooses to include prevailing wage rates, the Tennessee Department of Labor and Workforce Development has no jurisdiction to enforce those prevailing wage rates.

Authority: T.C.A. §§ 12-4-402, 12-4-403, 12-4-413, and 12-4-415.

Rule 0800-03-02-.02 Classification of Covered Workers is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (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 and helpers to be used for workers employed by highway contractors and subcontractors.
 - 1. "Blaster" means a person qualified by reason of training, knowledge, experience and registration to fire or detonate explosives in blasting operations.
 - 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" is defined as follows:
 - (i) "Bulldozer Operator (Finish)" 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 to a fine grade. The work is subjected to strict inspection and must conform closely to specifications).
 - (ii) "Crane Operator" means one who operates boom-type equipment less than 50 tons 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) "Hydraulic Excavator Operator" (3/4 cubic yard and over) 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.)
 - (iv) "Loader Operator" (3 cubic yards and over) 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.)

- (v) "Motor Grader 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 base materials. This work is subjected to strict inspection and must conform closely to specifications.)

4. "Class B Operator" is defined as follows:

- (i) "Bulldozer Operator (rough)" 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 to a rough grade. 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) "Hydraulic Excavator Operator" (less than $\frac{3}{4}$ cubic yard) 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.)
- (iii) "Loader Operator" (less than 3 cubic yards) 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 Grader 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.)
- (v) "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.
- (vi) "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.)

- (vii) "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 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" is 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) "Concrete Barrier Rail (Transfer) Machine Operator" means a heavy vehicle used to transfer concrete lane dividers which are used to relieve traffic congestion during rush hours; it is also used temporarily during construction work.
- (vii) "Material Transfer Vehicle Operator" means one who operates a self-propelled vehicle that is used to transfer and remix hot mix asphalt from a transport truck to a paver; may calibrate, oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (viii) "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.
- (ix) "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.

- (x) "Tunnel Cleaning Machine Operator" means ones who drives and operates a self-propelled vehicle with a water tank, telescoping boom and wash head that is used to clean tunnels and walls; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.

6. "Class D Operator" is defined as follows:

- (i) "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.
- (ii) "Central Mix Plant or Scale Operator " 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; 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; and may perform other related duties.
- (iii) "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.
- (iv) "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.
- (v) "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.
- (vi) "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.
- (vii) "Dozer or Loader (Stockpile 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 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.)
- (viii) "Drill Operator " means one who sets up and operates a drill mechanism (auger or core barrel) for drilling piling, sign foundations, lighting foundations, signal foundations, retaining or anchor wall construction; 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. Drilling may be vertical or horizontal.

- (ix) "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
- (x) "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.
- (xi) "Power Broom Operator" means one who operates a self-propelled side cast sweeper for the purpose of removing roadway dust and debris; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
- (xii) "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.
- (xiii) "Roller Operator (Other than Asphalt)" means one who operates a crawler tread tractor to pull a grid, sheepsfoot, 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.
- (xiv) "Skid Steer Operator" means one who uses small track or wheel tractor-type equipment for excavations, backfill trenching or smoothing with a blade-lift, scoop or bucket; and may perform other related duties.
- (xv) "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.
- (xvi) "Striping Machine Operator" means one who rides the back of a paint truck and uses a specialized machine on pavement to apply paint or thermoplastic; aligns lower carriages as necessary; and may perform other related duties.
- (xvii) "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 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.
- (xviii) "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.
- (xix) "Truck (rigid frame or articulated off-road) Operator" means one who operates a self-propelled off-road vehicle that is used to haul, soil, rock, debris, or other materials on a construction site; 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 or Drilled Shaft)" 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. Generally used for caissons or shafts greater than 72" in diameter.
9. "Electrician" means one who plans and executes the layout of electrical conduits; installs wiring systems, switch-panels, and bus bars; works on overhead distribution systems and underground distribution systems; and may perform other related duties.
10. "Farm Tractor Operator " means one who operates a 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 compaction equipment or farm implements and is operated by steering with the wheel and brake clutch.)
11. "Ironworker - Reinforcing" means one who performs layout work of rods within an 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. "Large Crane Operator" means one who operates boom-type equipment equal to or greater than 50 tons 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.)
14. "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.
15. "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 perform other related duties and periodically needs and receives assistance from a mechanic - Class I.
16. "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 signposts, signs, bridges and structures, etc. with either a brush, roller or spray; and may perform other related duties.

17. "Skilled Laborer" is 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 semiskilled 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 cubic 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, while 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.
- (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) "Handler" means a person qualified by reason of training, knowledge, experience and registration to accept custody and possession of explosives in blasting operations.
- (x) "Mechanics Helper" means one who assists mechanics and performs routine maintenance including tire changing and oiling.
- (xi) "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.
- (xii) "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.

- (xiii) "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.
- (xiv) "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. "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.
- 19. "Truck Driver (on-highway straight trucks with a GVWR more than 26,000 lbs.)" means one who drives a 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 truck may have various kinds of beds attached, such as a dump, flat bed, water tank, etc. The truck may be a water wagon, service truck, hoist truck, etc.)
- 20. "Truck Driver (on-highway combination trucks with a GVWR more than 26,000 lbs.)" means one who may pull a semi-trailer or trailer to transport construction equipment and materials.
- 21. "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; performs manual tasks around rock crushers or concrete batch plants; lowers pipes into ditches for pipelayers; 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; proportions materials for mortar/grout and mixes them by hand or with machines; lays brick pavers or retaining wall blocks; performs basic surveying tasks such as moving stakes or taking measurement; controls traffic through construction work zones by flagging; and may perform other related duties.
- 22. "Worksite Traffic Coordinator" means a certified person who supervises and coordinates activities of workers engaged in erecting signs or devices used in work zones; and may perform other related duties.

Authority: T.C.A. §§ 12-4-405(3), 12-4-411, and 12-4-415.

Rule 0800-03-02-.09 COPY FEE is amended by adding sub-paragraph (d) so that, as amended, the new sub-paragraph shall read:

(1) (d) If the fees and charges noted herein conflict with the OORC Schedule of Reasonable Charges, the OORC Schedule of Reasonable Charges shall control.

Authority: T.C.A. § 12-4-415.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: April 17, 2024

Signature: Chance Deason

Name of Officer: Chance Deason

Title of Officer: General Counsel

Department of State Use Only

Filed with the Department of State on: 4/17/2024



Tre Hargett
Secretary of State

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Apr 17 2024, 1:46 pm

Secretary of State
Division of Publications

**Department of State
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- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0800-03-02	Prevailing Wage Commission Rules
Rule Number	Rule Title
0800-03-02-.01	Definitions
0800-03-02-.02	Classification of Covered Workers
0800-03-02-.09	Copy Fee

Chapter 0800-03-02

Prevailing Wage Commission Rules
Amendments

Rule 0800-03-02-.01 Definitions is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) As used in these rules, unless the context otherwise requires:
 - (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/her 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 Department of Labor and Workforce Development ("Department").
 - (c) "Covered Worker" means a worker employed on a state **highway** construction project as defined by T.C.A. § 12-4-402(6).
 - (d) "Subcontractor" means one who performs part of the work called for in the 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 site.
 - (e) "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.
 - (f) "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.

- (g) "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.
 - (h) "State highway construction project" means any construction project for the purpose of building, rebuilding, locating, relocating, or repairing any public highway.
- (2) Tennessee Prevailing Wage Rates apply to **any state agency, any municipality, county, or other political subdivision of the State** and any highway contractor entering into a state contract for the performance of work on state highway construction projects. If an entity not defined above so chooses to include prevailing wage rates, the Tennessee Department of Labor and Workforce Development has no jurisdiction to enforce those prevailing wage rates.

Authority: T.C.A. §§ 12-4-402, 12-4-403, 12-4-413, and 12-4-415.

1) **0800-03-02-.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 and helpers to be used for workers employed by highway contractors and subcontractors.
 - 1. "Blaster" means a person qualified by reason of training, knowledge, experience and registration to fire or detonate explosives in blasting operations.
 - ~~2. "Bricklayer" means one who lays out work from plans; sets up templates and guidelines; 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.~~
 - 3. "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" is defined as follows:~~means one who operates a backhoe/hydraulic excavator (¾ yard and over), crane, end loader (3 yards and over), motor patrol finish; 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) "Bulldozer Operator (Finish)" 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 to a fine grade. The work is subjected to strict inspection and must conform closely to specifications).
- (iii) "Crane Operator" means one who operates boom-type equipment less than 50 tons 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.)
- (iv) "Hydraulic Excavator Operator" (3/4 cubic yard and over) 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.)
- (v) "Loader Operator (3 cubic yard and over)" 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.)
- (vi) "Motor ~~Patrol Operator~~ Grader 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 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 3/4 yard), bulldozer, loader (less than 3 yards), motor patrol (rough), tractor (crawler/utility), scraper, shovel, or trenching machine; and~~ is further defined as follows:

- (i) "Bulldozer Operator (rough)" 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 to a rough grade. 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) "Hydraulic Excavator Operator" (less than 3/4 cubic yard) 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.)

- (iii) "Loader Operator" (less than 3 cubic yards) 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 ~~Patrol~~Grader 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.)
- (v) "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.
- (vi) "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.)
- (vii) "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 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) "Concrete Barrier Rail (Transfer) Machine Operator" means a heavy vehicle used to transfer concrete lane dividers which are used to relieve traffic congestion during rush hours; it is also used temporarily during construction work.
 - ~~(vii) "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) "Material Transfer Vehicle Operator" means one who operates a self-propelled vehicle that is used to transfer and remix hot mix asphalt from a transport truck to a paver; may calibrate, oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
 - (viii) "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.
 - ~~(viii) "Concrete Barrier Rail (Transfer) Machine Operator" means a heavy vehicle used to transfer concrete lane dividers which are used to relieve traffic congestion during rush hours; it is also used temporarily during construction work.~~
 - ~~(ix) "Material Transfer Vehicle Operator" means one who operates a self-propelled vehicle that is used to transfer and remix hot mix asphalt from a transport truck to a paver; may calibrate, oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.~~
 - (ix) "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.
 - (x) "Tunnel Cleaning Machine Operator" means one who drives and operates a self-propelled vehicle with a water tank, telescoping boom and wash head that is used to clean tunnels and walls; 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:

- ~~(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.~~
- (i) "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.
- (ii) "Central Mix Plant or Scale 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; ~~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;~~ and may perform other related duties.
- (iii) "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.
- (iv) "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.
- (v) "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.
- (vi) "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.
- ~~(ixvii) "Dozer or Loader (Stockpile-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 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.)

- (viii) "Drill Operator (~~Piling~~)" means one who sets up and operates a drill mechanism (auger or core barrel) for ~~driving~~drilling piling, sign foundations, lighting foundations, signal foundations, retaining or anchor wall construction; 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. ~~Drilling may be vertical or horizontal.~~
- (ix) "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.
- (xii) "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.
- (xi) ~~Power Broom Operator" means one who operates a self-propelled side cast sweeper for the purpose of removing roadway dust and debris; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. -~~
- (xiii) "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.
- ~~(xiv) "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.~~
- (xiiiv) "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.
- ~~(xiv) "Skid Steer Operator" means one who uses small track or wheel tractor-type equipment for excavations, backfill trenching or smoothing with a blade-lift, scoop or bucket; and may perform other related duties.~~
- (xvvi) "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.

- (xvi) "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.
 - (xvii) "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 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.
 - (xviii) "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.
 - (xix) "Truck (rigid frame or articulated off-road) Operator" means one who operates a self-propelled off-road vehicle that is used to haul, soil, rock, debris, or other materials on a construction site; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
87. "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 or Drilled Shaft)" 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. **Generally used for caissons or shafts greater than 72" in diameter.**
 9. "Electrician" means one who plans and executes the layout of electrical conduits; installs wiring systems, switch-panels, and bus 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~~**compaction equipment or farm implements** and is operated by steering with the wheel and brake clutch.)
 11. "Ironworker - Reinforcing" means one who performs layout work of rods within an 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. "Large Crane Operator" means one who operates boom-type equipment equal to or greater than **2050** tons 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.)
14. "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.
15. "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 perform other related duties and periodically needs and receives assistance from a mechanic - Class I.
16. "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.
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, mechanic's 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 semiskilled 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 cubic yard~~)**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, while 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.

- (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) "Handler" means a person qualified by reason of training, knowledge, experience and registration to accept custody and possession of explosives in blasting operations.
- (x) "Mechanics Helper" means one who assists mechanics and performs routine maintenance including tire changing and oiling.
- (xi) "Nozzleman or Gunman (Gunite)" means one who handles the equipment and directs the placing of concrete or mortar that is moved by pneumatic equipment such as gunite; may fine-grade and place wire mesh at times; and may perform other related semi-skilled duties. -
- (xii) "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.
- (xiii) "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.
- (xiv) "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.

~~19. "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.~~

18. "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.

24.19. "Truck Driver (~~2-Axles-on-highway straight trucks with a GVWR more than 26,000 lbs.~~)" 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 truck may have various kinds of beds attached, such as a dump, flat bed, water tank, etc. The truck may be a water wagon, service truck, hoist truck, etc.)

~~2220.~~ "Truck Driver (~~3 or 4 Axles on highway combination trucks with a GVWR more than 26,000 lbs.~~)" means one who may pull a semi-trailer or trailer to transport construction equipment and materials.

~~23.~~ "~~Truck Driver (5 or More Axles on the Road or Heavy Duty Off the Road)~~" means one who either operates a truck on the road with 5 or more axles or a heavy duty off-road truck, either rigid frame or articulated; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties. ~~24~~

~~21.~~ "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; performs manual tasks around rock crushers or concrete batch plants~~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; proportions materials for mortar/grout and mixes them by hand or with machines; ~~lays brick pavers or retaining wall blocks; performs basic surveying tasks such as moving stakes or taking measurement; controls traffic through construction work zones by flagging~~; and may perform other related duties.; ~~and is further defined as follows:~~

~~(xvi) "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.~~

~~(xvii) "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.~~

~~2225.~~ "Worksite Traffic Coordinator" means a certified person ~~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 used in work zones~~; and may perform other related duties.

Authority: T.C.A. §§ 12-4-405(3), ~~12-4-405(3)(B)~~, 12-4-411, and 12-4-415.

Rule 0800-03-02-.09 COPY FEE is amended by adding sub-paragraph (d) so that, as amended, the new sub-paragraph shall read:

(1) (d) ~~If the fees and charges noted herein conflict with the OORC Schedule of Reasonable Charges, the OORC Schedule of Reasonable Charges shall control.~~ Authority: T.C.A. § 12-4-415.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: April 17, 2024

Chance Deason

Signature: _____

Name of Officer: Chance Deason

Title of Officer: General Counsel

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State