

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

**CHAPTER 0800-03-02  
PREVAILING WAGE COMMISSION RULES**

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**0800-03-02-.01 DEFINITIONS.**

- (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.
  - (c) “Covered worker” means a worker employed to perform construction or maintenance on a public highway.
  - (d) “Subcontractor” means a person 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” as defined in T.C.A. § 12-4-402(5) 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

(Rule 0800-03-02-.01, continued)

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. **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. Amendments filed April 8, 2019; effective July 7, 2019. Amendments filed December 9, 2025; effective March 9, 2026.

#### **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. “Carpenter” means a person who lays out work from plans or sketches; builds wooden structures, including but not limited to concrete forms, falsework, pouring chutes, scaffolds. They may build structures directly on-site to match specific line and grade requirements or prefabricate them in units for later assembly. Additionally, carpenters are responsible for creating forms used in the construction of bridges, drainage structures, walls, and other similar projects. This role may also involve performing various related tasks, including repairing or modifying wooden components as needed.
    3. “Class A Operator” is defined as follows:
      - (i) “Bulldozer Operator (Finish)” means a person who operates a large tractor with a concave steel blade or push block mounted in front of the chassis. The operator adjusts the blade or push block height to achieve precise grading and may perform maintenance tasks including but not limited to oiling, greasing, or making necessary equipment adjustments. This role involves leveling, distributing, and fine-grading earth to meet strict specifications under close inspection. Other related duties may also be performed.
      - (ii) “Crane Operator” means a person who operates boom-type equipment less than 50 tons to hoist and move materials, raise and lower heavy weights, and perform related tasks including oiling, greasing and making necessary adjustments to equipment as needed. This equipment is primarily used for work including but not limited to pouring concrete and setting steel which require strict adherence to specifications and undergo close inspection. The equipment may also be used for other operations including but not limited to hoisting and pile driving.
      - (iii) “Hydraulic Excavator Operator” (operating weight of 60,000 lbs. and over) means a person who operates boom-type equipment to hoist and move materials, raise and lower heavy weights, and perform related tasks. The operator may also service and adjust the equipment as needed. This equipment is typically used for excavations and other tasks requiring crane or stick-type machinery.

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- (iv) “Loader Operator” (operating weight of 40,000 lbs. and over)” means a person who operates a rubber-tired or crawler-type tractor equipped with a front bucket to move, load, or transfer materials. The operator performs tasks like loading trucks with dirt, gravel, or other construction materials, transferring materials to stockpiles, and charging batch plants with necessary aggregates. Additionally, the operator may assist in leveling or grading areas, clearing debris, or preparing construction sites. Maintenance duties, including but not limited to oiling, greasing, and adjusting equipment may also be required.
  - (v) “Motor Grader Operator (Finish)” means a person who operates a motor grader from a control cab, using levers and hand-wheels to guide the machine and adjust the scraper blade. The blade, mounted on a turning circle at the front, is used for fine grading of dirt and laying asphalt or flexible base materials. The operator may also perform maintenance tasks including but not limited to oiling, greasing, or making equipment adjustments, along with other related duties. This work is subjected to strict inspection and must conform precisely to specifications.
4. “Class B Operator” is defined as follows:
- (i) “Bulldozer Operator (Rough)” means a person 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” (operating weight less than 60,000 lbs.) means a person who operates boom-type equipment to hoist and move materials, raise and lower heavy weights, and perform related tasks. The operator may also service and adjust the equipment as needed. This equipment is typically used for excavations and other tasks requiring crane or stick-type machinery.
  - (iii) “Loader Operator” (operating weight of 15,000 lbs. to 39,999 lbs.) means a person who operates a rubber-tired or crawler-type tractor equipped with a front bucket to move, load, or transfer materials. The operator performs tasks like loading trucks with dirt, gravel, or other construction materials, transferring materials to stockpiles, and charging batch plants with necessary aggregates. Additionally, the operator may assist in leveling or grading areas, clearing debris, or preparing construction sites. Maintenance duties, including but not limited to oiling, greasing, and adjusting equipment may also be required.
  - (iv) “Motor Grader Operator (Rough)” means a person 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

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used to level dirt to a rough grade and to lay asphalt and flexible base materials.)

- (v) “Scraper Operator” means a person who operates a self-propelled rubber tired or tractor drawn unit known as a scraper pan 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 additional related duties.
  - (vi) “Shovel Operator (Dragline)” means a person 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 a person 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 a person who performs duties including but not limited to using a specialized machine to mill asphalt for use in resurfacing highways; and may perform other related duties.
  - (ii) “Asphalt Paver Machine Operator” means a person 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 a person 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 a person who uses a self-propelled machine to grind out concrete surfaces; and may perform other related duties.
  - (v) “Concrete Paver Operator” means a person 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.

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- (vi) "Concrete Barrier Rail (Transfer) Machine Operator" means a person who operates a heavy vehicle used to transfer concrete lane dividers which are used to relieve traffic congestion during rush hours; and may also be used temporarily during construction work.
  - (vii) "Material Transfer Vehicle Operator" means a person 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) "Roller Operator (Asphalt)" means a person who operates a self-propelled machine with either two (2) or three (3) 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.
  - (ix) "Spreader Operator (Self-Propelled)" means a person 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.
  - (x) "Tunnel Cleaning Machine Operator" means a person 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 a person 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 a person 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 a person who operates a water-cooled power saw with either a diamond or an abrasive blade to saw expansion

(Rule 0800-03-02-.02, continued)

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 a person 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 a person 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 a person 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) “Drill Operator” means a person 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.
- (viii) “Mulcher or Seeder Operator” means a person 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.
- (ix) “Pile Driver Operator” means a person 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.
- (x) “Power Broom Operator” means a person 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.
- (xi) “Pump Operator” means a person 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.
- (xii) “Roller Operator (Other Than Asphalt)” means a person who operates a crawler tread tractor to pull a grid, sheepsfoot, or extra-heavy pneumatic

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roller for tasks such as compacting earth fills and flexible bases. The operator uses the throttle, levers and pedals to control the tractor and steers by manipulating levers or pedals that independently control each crawler tread. Maintenance tasks, including but not limited to oiling, greasing, or adjusting the equipment may also be performed, along with other related duties.

- (xiii) "Skid Steer Operator" means a person 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.
  - (xiv) "Soil Stabilization Machine Operator" means a person 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, and other suitable materials; may oil, grease or otherwise service and make necessary adjustments to equipment as needed; and may perform other related duties.
  - (xv) "Striping Machine Operator" means a person 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.
  - (xvi) "Track Drill Operator" means a person who operates a drilling machine, including but not limited to wagon drills, air tracs, well drillers, or similar equipment, to drill rock, shale, or other materials. Responsibilities include but are not limited to starting, stopping, and servicing portable air compressors, performing maintenance tasks like oiling greasing, or adjusting equipment, and carrying out other related duties as needed.
  - (xvii) "Tractor Operator (Boom and Hoist)" means a person 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.
  - (xviii) "Truck (rigid frame or articulated off-road) Operator" means a person who operates a self-propelled off-road vehicle that is used to haul, soil, rock, debris, or other materials on construction sites. Responsibilities may include performing maintenance tasks including oiling, greasing, or adjusting equipment along with other related duties.
7. "Concrete Finisher" means a person 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 a person 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 a person who plans and executes the layout of electrical conduits; installs wiring systems, switch-panels, and bus bars; works on

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- overhead distribution systems and underground distribution systems; and may perform other related duties.
10. "Farm Tractor Operator" means a person 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 a person 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 a person 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 a person who operates boom-type equipment with a capacity of fifty (50) tons or more to hoist and move materials, lift heavy weights, and perform related tasks. The operator may service, oil, grease, or adjust the equipment as needed. This equipment is primarily used for activities like pouring concrete and setting steel, requiring strict adherence to specifications and close inspection. It may also be utilized for additional tasks, such as hoisting and pile driving, or other operations requiring crane or stick-type equipment. Other related duties may be performed as necessary.
  14. "Mechanic - Class I (Heavy Duty)" means a person who assembles, sets up, adjusts, maintains and repairs all types of construction equipment, including but not limited to 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 a person who assembles, sets up, adjusts, maintains and repairs all types of construction equipment, including but not limited to 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 a person who sandblasts surfaces of structures including but not limited to stone, and other hard materials using currents of air or steam carrying sand at high velocity to prepare for painting. This role also includes painting various objects, including signposts, signs, bridges, and structures, using tools such as brushes, rollers, or spray equipment. Additionally,

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the painter or sandblaster may carry out tasks related to surface preparation, equipment maintenance, and other activities essential to the painting process.

17. "Skilled Laborer" is defined as follows:

- (i) "Air Tool Operator" means a person 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 a person 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 a person 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 a person who operates a portable concrete mixing machine to combine sand, gravel, cement, and water into concrete. The operator starts power units, loads materials, controls the mixing process using levers to discharge concrete from the drums, and rinses the drums with water to remove residue. Maintenance tasks, including but not limited to oiling, greasing, or making equipment adjustments, may also be performed. Depending on the machine, materials may be manually shoveled directly into the mixing drums or loaded into a skip that is hoisted into the drum. Additional related duties may be required as needed.
- (v) "Concrete Rubber" means a person 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 a person 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 a person 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 a person 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.

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- (x) “Mechanics Helper” means a person who assists mechanics and performs routine maintenance including tire changing and oiling.
  - (xi) “Nozzleman or Gunman (Gunitite)” means a person who handles the equipment and directs the placing of concrete or mortar that is moved by pneumatic equipment including gunitite; may fine-grade and place wire mesh at times; and may perform other related semi-skilled duties.
  - (xii) “Pipelayer” means a person 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 a person 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 a person 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 a person 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 gross vehicle weight rating more than 26,000 lbs.)” means a person who drives a truck for transporting construction materials. The trucks may have different bed types, including dump beds, flatbeds, or water tanks, and may serve as water wagons, service trucks, hoist trucks, or similar vehicles. The driver may perform maintenance tasks, including oiling, greasing, or adjusting the equipment, and may carry out additional related duties.
20. “Truck Driver (on-highway combination trucks with a gross vehicle weight rating more than 26,000 lbs.)” means a person who may pull a semi-trailer or trailer to transport construction equipment and materials.
21. “Unskilled Laborer” means a person 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 workers; spreads hot asphaltic material over roadbeds with shovel; operates hand concrete buggy or wheelbarrow; helps

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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 including moving stakes or taking measurement; controls traffic through construction work zones by flagging; and may perform other related duties.

22. "Worksite Traffic Coordinator" refers to a certified individual who supervises and coordinates the activities of workers engaged in erecting signs or devices used in work zones. This individual may also perform other related duties.

**Authority:** T.C.A. §§ 12-4-405(3), 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. Amendments filed April 8, 2019; effective July 7, 2019. Amendments filed December 9, 2025; effective March 9, 2026.

#### **0800-03-02-.03 EFFECTIVE DATES.**

Pursuant to the Prevailing Wage Act for State Highway Construction Projects (Act), the Commission shall determine and establish the prevailing wage rate annually for covered workers of highway contractors on state highway construction projects. The highway wage rate promulgated by the Commission shall be effective from January 1 to December 31 of each year. No contract shall be let by any state agency or by any municipality, county, or other political subdivision for a state highway construction project not in compliance with the prevailing wage rates as established by the Commission.

**Authority:** T.C.A. §§ 12-4-403, 12-4-405(4), 12-4-406, 12-4-408, 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. Amendments filed April 8, 2019; effective July 7, 2019.

#### **0800-03-02-.04 CONSTRUCTION WAGES.**

The bid specifications issued by the state agency contracting for a state highway construction project shall include the prevailing wage rates that are in effect ten (10) days preceding the date the bids are received. 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, 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. Amendments filed April 8, 2019; effective July 7, 2019.

#### **0800-03-02-.05 REGULATIONS FOR CONTRACTORS AND CONTRACTS.**

- (1) All state highway construction project contracts between the contracting state agency and the highway contractor shall contain a provision requiring the contractor and all subcontractors to pay the prevailing wage and 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 0800-03-02-.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.

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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 she/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 Department, and shall 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.
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 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. Amendments filed April 8, 2019; effective July 7, 2019.

#### **0800-03-02-.06 REGULATIONS FOR STATE AGENCIES.**

- (1) State agencies entering into state highway construction project contracts shall submit the name(s) of the project(s), address(es) of the project site(s), and name(s) and address(es) of the successful bidder(s) to the Department within ten (10) working days of the state highway construction project start date.

**Authority:** T.C.A. §§ 12-4-408, 12-4-413, and 12-4-415. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987. Amendments filed April 8, 2019; effective July 7, 2019.

#### **0800-03-02-.07 INSPECTION PROCESS.**

The Department shall:

(Rule 0800-03-02-.07, continued)

- (1) Check the weekly payrolls submitted by contractors and subcontractors and conduct interviews at the construction site in order to determine that workers have been properly classified in accordance with the work performed by them.
- (2) Ascertain whether the prevailing wage rates have been posted at the construction site in a prominent place.
- (3) Interview workers to determine whether all wages earned have been paid.
- (4) Examine weekly payrolls submitted by contractors and subcontractors in order to determine whether hourly rates equal or exceed those determined by the Commission have been paid for the classifications of covered workers.

**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 June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987. Amendments filed April 8, 2019; effective July 7, 2019.

#### 0800-03-02-.08 PREVAILING WAGE SURVEY.

- (1) Contractors who elect to respond to the prevailing wage survey shall submit the data required in T.C.A. § 12-4-405 by regular mail or via electronic transmission to the Department 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 furnish payroll data to the Department for its prevailing wage shall provide straight time hourly wage rates. Fringe benefits or overtime rates shall not be included in the hourly rates submitted.
- (4) In each prevailing wage determination, the Commission shall have the authority to designate the classifications of crafts of workers. 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 Department rejects payroll documentation submitted by a contractor the Department 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 Department may be completed by the contractor 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 Department in response to the prevailing wage survey shall provide such data to the Department by October 31 of the survey year. Documentation which is sent by mail or via electronic transmission must be postmarked no later than October 31 and must be received by the Department by the third 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 nonaffiliated company 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).

(Rule 0800-03-02-.08, continued)

**Authority:** T.C.A. §§ 12-4-405, 12-4-406, and 12-4-415. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed March 12, 1987; effective April 26, 1987. Amendments filed April 8, 2019; effective July 7, 2019.

**0800-03-02-.09 COPY FEE.**

- (1) Pursuant to Tenn. Code Ann. § 10-7-503(g) and Rule 0800-08-01 of the Department, upon request any citizen of the state of Tennessee may obtain a copy of the information in the agency record.
  - (a) Fees and charges for copies will be in accordance with the Office of Open Records Counsel's (OORC) Schedule of Reasonable Charges:
    1. \$0.15 per page for letter and legal-size black and white copies.
    2. \$0.50 per page for letter and legal-size color copies.
    3. Labor when the time exceeds 1 hour.
    4. If an outside vendor is used, the actual costs assessed by the vendor.
  - (b) Fees may be paid in the form of cash, money order, cashier's check or other approved methods. Fees shall be made payable to Tennessee Department of Labor & Workforce Development and presented to the records custodian.
  - (c) Payment in advance will be required when costs are estimated to exceed \$75.00.
  - (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. **Administrative History:** Original rule certified June 10, 1974. Amendment filed March 12, 1987; effective April 26, 1987. Amendments filed April 8, 2019; effective July 7, 2019. Amendments filed December 9, 2025; effective March 9, 2026.

**0800-03-02-.10 REPEALED.**

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