



THE READY-MIXER



Virginia Ready-Mixed Concrete Association Newsletter

September 2010

2010 Homearama Comes to New Kent County; Focuses on Green Technology

By J. Keith Beazley,
Director of Industry Services

The Richmond Home Building Association has returned to using the Homearama, their highly successful innovative homeshow concept started in the Woodlake Subdivision in 1987. The 2010 Homearama features six fully decorated homes in Patriots Landing in New Kent County with each of the homes presenting new products, "green" technology, and the latest in home planning. Featured homes are in the \$300,000 price range.

Kevin McNulty, serving as President of the Home Building Association of Richmond, stated, "each house had to have some green features and be certified by a third-party such as Energy Star or Earth Craft. The builders also had to provide homes at reasonable prices. A lot of times, Homearama homes are million-dollar homes, but we wanted this Homearama to be within a reasonable range. We wanted every home to have some components of outdoor living. I think everyone put their best foot forward with interior and exterior architecture and craftsmanship with the latest in home trends."

"The economy and consumers have changed home building in Richmond. Incentives are tapering off and not as prevalent as they once were, since existing stock decreased," said McNulty, Lifestyle Builders President. "Homes are being built with smaller floor plans, fewer formal forms and more open floor plans. Also, homes are coming more energy efficiency. And you are seeing more infill development and higher density development."

The Homearama runs for 16 days, from September 18 through October 3, in a special cul-de-sac with each home open



with hosts and usually the homebuilder, to answer any questions about the design features. Special nighttime activities include the Taste of Richmond with local chefs, Wine and Jazz night, Charity Night of Children's Hospital, and Hometown Hero day. The event charges an admission fee to view the homes.

Each of the Homearama homes features a special Concrete Driveways, Sidewalks, and Patios for the open house event. Driveways and Patios have stamped and colored concrete, exposed aggregate, and other special finishing techniques. The concrete finishing is different for every home and is of very high quality and finish and is a very good marketing tool for our industry.

David Reel, Homebuilders Executive Director, is very pleased with the 2010 event and said the Homearama event will be back for 2011. The crowds and interest have been very good and the event has been strong for the Homebuilding

Industry. The Homebuilders of Richmond is starting the area Parade of Homes in October after this event. 🚚

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www.VRMCA.com

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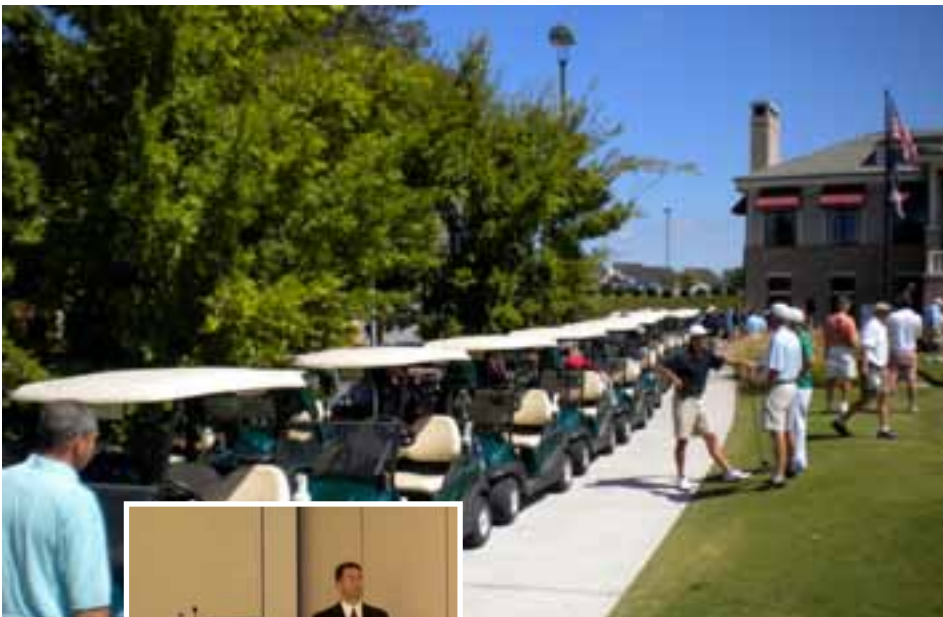
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VRMCA Annual Convention

Above, members enjoyed an afternoon of golf at the Princess Anne Country Club. At left, Dan Palazzo from the University of Richmond speaks to attendees about the economic forecast.

ACI Mourns the Loss of President Richard D. Stehly

The American Concrete Institute (ACI) has mournfully announced the passing of its president, Richard D. Stehly, who passed away Sept. 18.

Stehly, who was a member of ACI since 1980, was elected president of the institute in March 2010. During his short time as president, he championed several ACI initiatives in sustainable development regarding the use of concrete.

Stehly was a recent chair of the Board Advisory Committee on Sustainable Development and had been extremely involved regarding the EPA's proposed regulation of fly ash disposal. He even testified on ACI's behalf in July before the U.S. House Committee on Small Business, Subcommittee on Rural Development, Entrepreneurship, and Trade.

Stehly was a member of numerous ACI committees including ACI committees 130, Sustainability of Concrete; 318 WA, International Workshop—Structural Concrete in the Americas; Financial Advisory Committee; and Seminar Oversight Committee. He served on the ACI Board of Direction and the Executive Committee. Additionally, he was an officer of the ACI Foundation and Creative Association



“The untimely passing of my friend and colleague Richard Stehly is a tremendous loss for the concrete industry and for anyone who had the privilege of knowing him and working with him.”

RON BURG, ACI EXECUTIVE VICE PRESIDENT

Management, ACI's for-profit subsidiary, and served on the Editorial Review Panel of the U.S. Green Concrete Council. A fellow of ACI, Stehly was a past chair of the Chapter Activities Committee and was a member of the Task Group on International Strategy, which led to the formation of the International Committee, for which he served as the first chair.

Stehly traveled to more than 25 countries on behalf of ACI, presenting lectures on various concrete topics to ACI chapter members. He had only days earlier returned from a three-week international trip to India, Germany, Italy, and Poland with ACI Executive Vice President Ron Burg. Together, Stehly and Burg attended various conferences and forums, and had the opportunity to meet with the ACI Chapters of India and Italy.

“The untimely passing of my friend and colleague Richard Stehly is a tremendous loss for the concrete industry and for

anyone who had the privilege of knowing him and working with him,” said Ron Burg, ACI executive vice president. “His enthusiasm for the American Concrete Institute and the concrete industry was infectious, and our membership, staff, and the entire concrete industry will feel his loss, both personally and professionally.”

Stehly was a principal of American Engineering Testing Inc.. He received a B.S. degree in civil engineering from the University of Minnesota. Stehly worked as an intern at Twin City Testing, while a college junior and was hired as a field engineer after graduation. He became project engineer, chief engineer, and eventually president of the firm. In 1988, he joined the Anchor Block Co. as president. He then returned to the testing business by founding American Engineering Testing with three others in December 1989.

Stehly started American Petrographic Services in 1990. The businesses currently have 15 offices and 300 employees. 🚚

ACI Approves Concrete Performance Requirements

The American Concrete Institute (ACI) has approved ITG-8R-10 Performance-based Requirements for Concrete. The document is written by Innovative Task Group 8, a process ACI uses to accelerate the publication of select documents. ITG 8 was chaired by Ken Rear who served as the past chairman of the NRMCA P2P Steering Committee, took the initiative to request the formation of the Innovative Task Group and facilitated the development of the document. The initiative was supported by the NRMCA P2P Steering Committee. The Task Group is comprised of members John Bickley, Nick Carino, Mark Chrzanowski and Ross Martin, with contributing authors R. Doug Hooton and Ken Hover. The document was written, reviewed and approved in a span of about three years. It will be available as a separate publication from ACI later this year and will be published in the 2012 ACI Manual of Concrete Practice.

This report discusses the differences between prescriptive and performance requirements. The essential elements of a performance-based requirement are reviewed, which include the desired quality characteristics, the sampling and testing procedure that will be used for quality assurance and the acceptance criteria. Considerations for implementing performance-based requirements on a project are presented. Alternative performance-based requirements are proposed for the prescriptive durability requirements in CI 318-08.

Newly formed ACI Committee 329 will have responsibility for this document, to review and update it as appropriate. Mark Chrzanowski with CH2MHill serves as chairman of ACI Committee 329. The committee will have its second meeting at the ACI Fall Convention in Pittsburgh. 🚚

GOP Will Take Over House, U.Va. Political Guru Sabato Predicts

The Democrats are likely to lose 47 seats and control of the House of Representatives in November's elections, a top political analyst said in a forecast yesterday.

Larry Sabato, a political scientist at the University of Virginia, also said the Democrats are likely to lose eight or nine seats in the Senate, eight governors' offices, and 300 to 500 seats in state legislatures.

"Republicans are dramatically gaining in all categories," said Sabato, one of the most consistently accurate election prognosticators.

"The economy appears rotten, with little chance of a substantial comeback by November 2nd. Unemployment is very high, income growth sluggish and public confidence



"Sabato's forecast 'illustrates a very basic principle of politics: If you want to be re-elected, you have to do what the voters tell you to do.'"

quite low. The Democrats' self-proclaimed 'Recovery Summer' has become a term of derision, and to most voters -- fair or not -- it seems that President Obama has overpromised and underdelivered."

Republicans must gain 39 seats to take control of the House. Sabato's forecast also envisions Democratic losses in the Senate: eight or nine seats. Republicans must gain 10 Senate seats to take control there.

Sabato also increased his forecast for Democratic losses in the governors' offices to eight, up from six or seven. That would shift the balance of power from a Democratic edge of 26-24 to a Republican advantage of 32-18.

That has national implications, as

states redraw the boundaries of U.S. House districts next year, a process that can benefit the party that controls the maps.

Sabato's forecast "illustrates a very basic principle of politics: If you want to be re-elected, you have to do what the voters tell you to do," said Garren Shipley, communications director with the Republican Party of Virginia.

Rep. Tom "Perriello and the rest of the Democrats in Congress voted against the wishes of the American people on Obamacare, cap and trade and a host of other issues. . . . On November 2, I think a whole lot of them are going to be fired."

Dave Mills, executive director of the Democratic Party of Virginia, said there is no doubt the environment is not good for Democrats, but he said the contests are being fought on a race-by-race basis not reflected in national polls.

He agreed with Sabato's assessment that congressional races in the 2nd and 5th districts are toss-ups. Reps. Glenn Nye, D-2nd, and Perriello, D-5th, are working hard and have good organizations, he said. 🚧

Wendy's Franchisee Builds with ICF

By Bob Nablo, Director of Industry Services

Charles Sechrist likes the fast food business. He doesn't like mold and mildew in his restaurants. To combat this problem, this owner of Wendy's restaurants has begun building with ICF. Three of his twelve Wendy's properties are now built with ICF construction – one in Stuart, VA, one in Nashville, NC and the newest in Edenton, NC.

Sechrist is well aware of the benefits of ICF and concrete construction, and is convinced that it will result in increased profits for his company. He says that he changed to ICF construction for two major reasons: more consistent and reliable inside temperatures, and energy savings. Sechrist noticed over the years that the considerable swings in temperature and humidity inside a business where doors and drive-thru windows are constantly opening and closing allowed mold and mildew to grow inside the stick-built or uninsulated masonry walls. He feels that the more dependable temperatures created by ICF walls will not only solve the humidity problems, but will give him several extra years of use from cooking and HVAC equipment that can be ruined by temperature swings.

He also was able to build the new stores with more efficient, smaller HVAC systems, and feels that he will see a minimum of 25% savings in energy costs. David Moxley of Axton, Virginia was the builder for all three new units and he reports that the ICF design is erected easily and quickly. 🚧



NVCAC Third Quarter Council Meeting



Above, Bethany Bezak gives a tour of the WSSI facility. At left, VRMCA Executive Director, Doug Easter answers questions from NVCAC members.

By Hessam Nabavi,
Director of Industry Services


NVCAC's relationship with Wetland Studies and Solutions, Inc. (WSSI) has offered the council numerous opportunities to bring decision makers to their office to learn about the benefits of concrete and to witness various concrete applications in action. One recent event that offered such an opportunity was "The 3rd Annual Building Green with Concrete Workshop" held in June of this year.

As a part of the third quarter council meeting, NVCAC members were invited to visit this beautiful facility and to learn about its LEED Gold Certified building and concrete's contributions to the LEED process.

VRMCA Executive Director Doug Easter was the featured guest speaker. He gave a brief update on industry's issues in Virginia and then held a question and answer session with the members. Northern Virginia Council is greatly appreciative to Doug for making the time to participate in the NVCAC council meeting.

Doug's update was followed by reports from the committee chairs.

Bethany Bezak, P.E., LEED A.P., offered a guided tour of the LEED office building which, showcased such green building strategies as tilt-up concrete walls, green roofs, permeable pavers, pervious concrete, pervious asphalt, harvesting of rain water, and energy and water efficient appliances. Members were able to hear firsthand from WSSI staff about the thought process that went into the planning and construction of the building.

Many thanks to Michael Rolband, president of WSSI and his staff for assisting NVCAC in this event. 

CENTRAL VIRGINIA CONCRETE ADVISORY COUNCIL

Annual Golf Tournament



- Dinner
- Beverages/Snacks
- Door Prizes
- Longest Drive Prizes
- Range Balls
- 1st, 2nd, 3rd Place Prizes
- Closest to the Pin Prizes

(LUNCH ON YOUR OWN)

Thursday, October 7, 2010

11:45 Check-In/Range Balls

1 p.m. Shotgun Start

Hunting Hawk Golf Course

Glen Allen, Virginia

804/749-1900



Team Registration \$360
Team of Four

Hole Sponsorship \$85

Company Name _____

Make checks payable to CVCAC and send fees by October 1st to:

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Questions? Call Glenn at 804/364-0500

INDUSTRY WORD SEARCH

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 P I B S W X K A E T N E M E C
 R Y E T X I M Q E C M M R J T
 E V B N J J M T A V R M T L B
 C G W A S E K P X A E A O R F
 A P F D I D P E E A T U O R G
 S A L R G G M I B R G X A R U
 T O Y A Z X R L Y R V Q J R S
 J L A T G N E T A K Y I E L D
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| blistering | grade | impervious | precast |
| cement | fly ash | mixer | retardants |
| cure | gravel | permeable | yield |

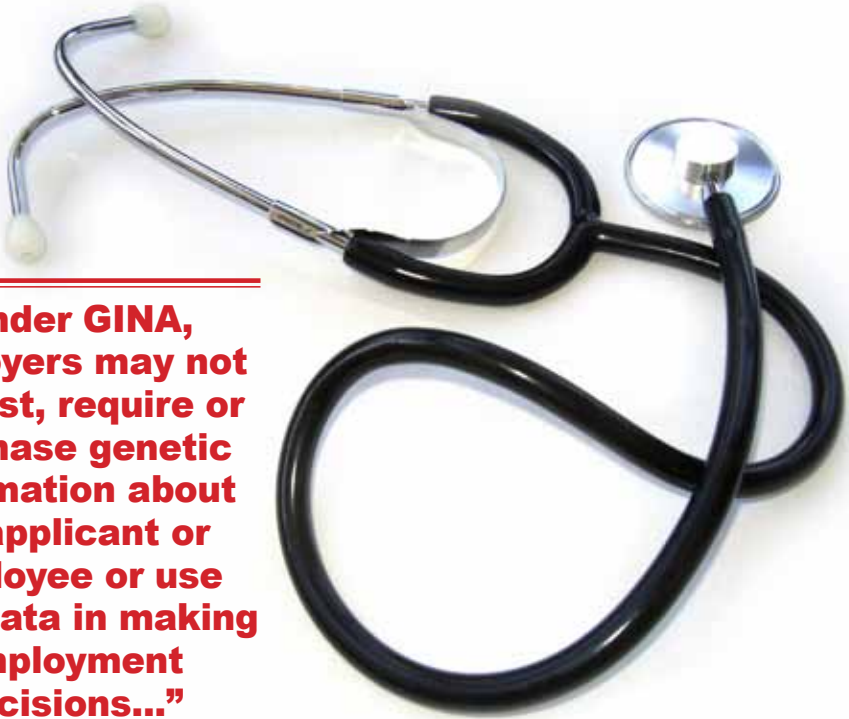
Employee's Family Medical History Impermissible

By John G. Kruchko
and Kathleen A. Talty

A standard practice in most employment workplaces is to require a new employee, following the offer of employment, to undergo an employment physical or medical examination that includes questions about the employee's medical history, as well as the employee's family medical history. Such examinations often include questions that inquire about the medical condition of an employee's parents and, if the parents are deceased, asking the employee to provide the medical reason for the parents' deaths. Since November, 2009, such "routine" questions about an employee's family medical history are no longer permissible and represent employment discrimination for employers with 15 or more employees. Questions soliciting information about the employee's genetic tests or results are likewise impermissible. Such inquiries are not lawful because they tend to solicit genetic information about the employee and/or the employee's family. These inquiries, as well as others, are now illegal under a recent federal law.

Significant advancements in the field of genetics and genomic medicine allow employers access to information that indicate that individuals may be at risk or with a predisposition for certain genetic disorders, such as Parkinson's disease. Due to concern that some employers would deny employment opportunities to individuals because of an individual's genetic history or that employees would be denied insurance coverage because of an employee's medical history or the employee's family medical history, Congress enacted the Genetic Information Nondiscrimination Act of 2008, which President George W. Bush signed into law in May, 2008.

The Genetic Information Nondiscrimination Act of 2008 or "GINA" amended Title II of the Public Health Service Act became effective for all employers with 15 or more employees in November, 2009. Interpretative



“Under GINA, employers may not request, require or purchase genetic information about an applicant or employee or use such data in making employment decisions...”

regulations of GINA's requirements from the Equal Employment Opportunity Commission ("EEOC") are still pending. While the enactment date of GINA passed with little fanfare, employers who are required to comply with the requirements of GINA need to be aware of the Act's prohibitions to avoid employment discrimination charges or lawsuits alleging genetic information discrimination.

Under GINA, employers may not request, require or purchase genetic information about an applicant or employee or use such data in making employment decisions in any circumstances. This prohibition includes the timeframe starting with the initial decision to extend employment to the offer of health insurance to promotion and termination decisions. In cases in which an employer is found to be in violation of GINA, the same remedies available under Title VII of the Civil Rights Act of 1964, as amended, are applicable. These remedies include reinstatement, back pay, compensatory and punitive damages, attorneys' fees and costs.

GINA contains a number of definitions which are specific to the Act

and which are extensive in scope. For example, genetic information is defined as information about an individual's genetic tests; "the genetic test is of that individual's family members and the manifestation of disease or disorder in family members of the individual (family medical history)." The term "genetic information" does not include tests for drugs or alcohol or information that an individual currently has a disease or disorder. A "family member" includes those groups traditionally associated with the term, such as an individual's dependents and parents, but also extends to the fourth degree of consanguinity, i.e., great-great grandparents and first cousins once removed.

While the Act's prohibition on the solicitation of genetic information is broad, there are some limited exceptions recognized in the statute. One exception, referred to as the "water cooler" exception, refers to the inadvertent acquisition of genetic information. This might take place if a supervisor overhears a conversation between two employees and the conversation includes comments about genetic testing or test results of an em-

ployee. Another exception to the general rule is when genetic information is voluntarily or spontaneously shared by an employee in response to a general inquiry from a supervisor about an employee's health or a family member's health, such as "How are you feeling?" Additionally, genetic information that is provided to an employer by an employee to substantiate a request for a reasonable accommodation under the Americans with Disabilities Act ("ADA") or to support a request for leave under the Family Medical Leave Act is not a violation of the Act.


Another exception to the prohibition on the solicitation of genetic information that is permitted under GINA applies to employer wellness programs. However, a number of conditions must be satisfied in order to ensure compliance. According to GINA, the exception for an employer wellness program only applies where:

1. The employee provides prior knowing, voluntary, and written authorization that
 - a. Is written so that the employee from whom the genetic information is obtained is reasonably likely to understand the form;
 - b. Describes the type of genetic information that will be obtained and the general purposes for which it will be used; and

- c. Describes the restrictions on disclosure of genetic information.

To ensure conformity with GINA, employers who make available voluntary wellness programs to employees should be sure to comply with the Act's requirements. Further guidance in this area is expected when the EEOC issues its final regulations on GINA.

As is true with any medically-related information that an employer obtains on employees, employers in possession of genetic information about applicants or employees must treat the information in strict confidence. If the information is in writing, the data must be kept apart from other personnel information and in separate medical files.

The Equal Employment Opportunity Commission has also revised its "Equal Opportunity under the Law" poster that contains specific information on GINA. This revised EEOC poster should be posted by all employers. Alternatively, the EEOC has made available an "EEO is the Law" Poster Supplement that employers may post adjacent to their current "Equal Opportunity is the Law" poster. The supplemental poster contains information on GINA and the ADA. The revised or supplemental poster may be obtained from the EEOC's website. 

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John G. Kruchko is a partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Kathleen Talty is a Senior Counsel with the Firm. For more information, please contact Mr. Kruchko at 703/734-0554 or Ms. Talty at 410/321-7310 or jkruchko@kruchkoandfries.com, or ktalty@kruchkoandfries.com. This article is published for general information purposes, and does not constitute legal advice.



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Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to space.

On the Horizon

Calendar of Upcoming Events

OCTOBER 5, 2010

NVCAC Pervious Concrete Seminar
11:00 AM - 1:30 PM
Chantilly, VA

OCTOBER 7, 2010

CVCAC Golf Tournament & Awards Dinner
Hunting Hawk Golf Club
Glen Allen, VA
*PRE-REGISTRATION REQUIRED

OCTOBER 12, 2010

NVCAC CPA Training
11:00 AM - 1:30 PM
Sterling, VA

HRCAC Meeting

11:30 AM - 1:00 PM
Holiday Inn Executive Center
5655 Greenwich Road
Virginia Beach, VA

OCTOBER 19, 2010

CVCAC Meeting
11:30 AM - 1:00 PM
Meadowbrook Country Club
3700 Cogbill Road
Richmond, VA

OCTOBER 20, 2010

SWCAC Meeting
8 AM - 9:30 AM
The Roanoker Restaurant
2522 Colonial Avenue Southwest
Roanoke, VA

OCTOBER 28, 2010

Virginia Tech Career Fair
10:00 AM - 4:00 PM
The Inn at Virginia Tech
901 Prices Fork Road
Blacksburg, VA

Please visit the online calendar for an up-to-date list of events.
www.VRMCA.com/calendar



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