



New Concepts for Home Construction

By Robert Nablo,
Director of Industry Services

Mike Callahan thinks he builds the strongest homes in the country, and perhaps in the world. Take a long look at one of his custom homes and you may agree. Callahan, President of MetWood Construction in Boones Mill, has been in construction for 50 years and has headed MetWood for 20. Frequently seen at industry trade shows, Callahan started his company manufacturing and selling garage pour-over and concrete deck systems in 1993, and while those systems continue to be his most popular products he now spends most of his time trying to show the construction industry how to put metal, wood and concrete together – hence the name “MetWood” – to make the strongest beams possible. The holder of nine US patents, Callahan has spent thousands of dollars having his inventions tested by various technical and academic institutions, but still faces the resistance to change familiar to everyone on the concrete industry.

These custom homes feature steel studs, beams and joists reinforced



with, and tied to, concrete columns and floors—including upper story floors and decks built over garages, family rooms and multi-purpose rooms. His current

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Roanoke	December 10, 11, 12

Questions? Contact Christina Sandridge at (434) 326-9815
or email christina.sandridge@easterassociates.com.

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Callahan *continued from page 1*

project in Forest, VA is a 6,000 square foot, three story home featuring five bedrooms, a spiral staircase of steel and concrete, an elevator to the third floor master bedroom and below grade ICF exercise rooms and a “bomb shelter” for hurricane or tornado protection. The ICF walls feature 8-inch concrete cores and the entire structure is extremely fire resistant. The home also incorporates radiant floor heating, a metal roof and a private deck off of the master bedroom. Callahan feels that his systems are not industry standards because most engineers do not understand, and are reluctant to accept, beams that are proven to be stronger and capable of supporting heavier loads than standard designs allow – but don’t underestimate this high-energy, forward thinking builder who seems to be bursting with ideas and just needs the time to develop more of them. 🚚

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Central Virginia Scholarship Recipient Gains Construction Experience

Each year the Central Virginia Council awards an educational scholarship to a deserving student, with the scholarship funds coming from the proceeds of their annual golf outing. The 2012 scholarship recipient, Carter Neal, was a sophomore at Virginia Tech and worked this summer for Clark Builders Group in the District of Columbia. Neal recently met with Council members Glenn Webb and Joe Bartley to discuss his experience.

Neal reports that he has been working hard for Clark, but also has worked hard in both his classes and as a member of the rugby team. His cumulative GPA is 3.04, and he has passed difficult classes such as Statics, Physics, Multi-variable Calculus and Civil Engineering Measurements. He notes that he has also been voted by his team to be the philanthropy officer in charge of getting rugby players involved in charity events and other extracurricular activities. He says “This summer working for Clark Builders Group has been quite an experience. I’ve had to learn a lot about navigating through the city, and began working just after Clark began excavation to turn a parking lot into a 5 story addition to an existing apartment building with a two level parking garage beneath it.” Neal has now returned to school, but stayed with Clark throughout the excavation phase. He received training in first aid, traffic control and attended a ten hour OSHA safety course.

Neal says that his scholarship money has gone into a savings account, with his goal being to earn enough through work and scholarships to send himself on a study-abroad program. He is specifically targeting a week long trip to Ireland that will count as a three credit course and take place during Spring Break. 🚚



NVCAC Members Visit Amelia Square



By Hessam Nabavi,
Director of Industry Services

NVCAC council decided to combine the August NVCAC monthly business meeting with a site visit this month. Close to twenty members including two VRMCA board members, Steven Render with Vulcan Materials and Jeff Slagle with Chaney Enterprises met at the Castiglias Italian Restaurant in the Fredericksburg Historic District on William Street, which is only two blocks away from Amelia Square. After lunch and completing the business of the council, members visited the site. The grand promotional/informational sign at the site and the partially installed concrete paving were

impressive. Chris Goldman, Construction Manager with Silver Companies, welcomed everybody to the property and gave a brief talk about the thought process for the use of concrete for this sub-division. He complemented James Murray with Chaney Enterprises and VRMCA representative for all their work to make this project a reality. After Chris, Patrick Gay with Simply Homes offered a tour of the largest town house in the sub-division, which is located on the corner of Winchester and Amelia Streets. This was a great experience for NVCAC members. Everyone was impressed with the quality of design, attention to details and best of all the view from the 4th floor. 🚚



VRMCA Fall Convention

October 15-16, 2013

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VRMCA would like you to consider sponsorship of the **2013 Fall Convention**. Your support will help to make the event a success.

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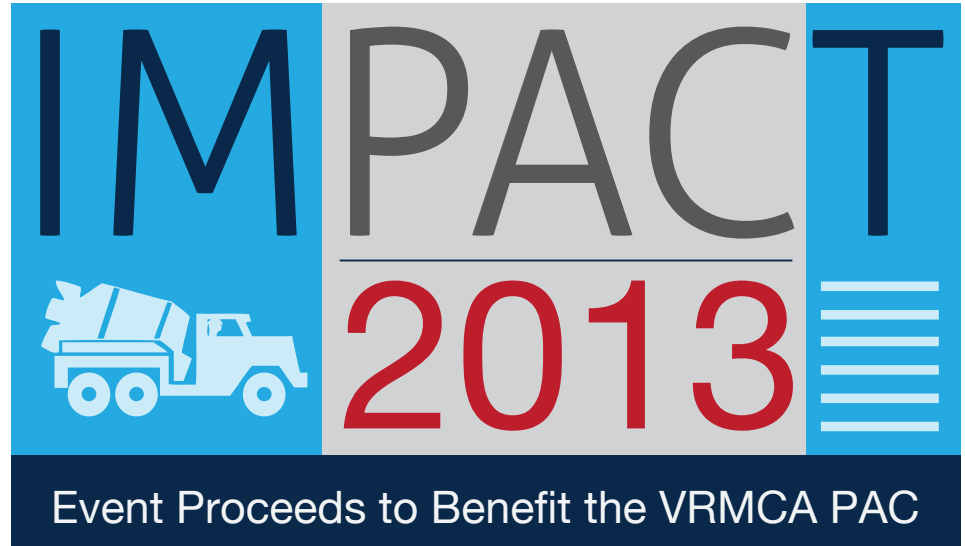
Association to Hold Series of PAC Benefits

The VRMCA Board of Directors and Legislative Committee encourages all members to support the association's Political Action Committee and have developed three Fall events to make it fun and easy to participate.

The first is a sporting clays event to be held Thursday, September 19 at the Shady Grove Hunting Preserve in Remington (between Culpeper and Warrenton). The cost for the event is \$150 for an individual shooter or \$400 for a foursome and will include 100 targets, a luncheon and prizes. **We are currently seeking Shooting Station Sponsors in the amount of \$150 each.**

The second is a golf tournament to be held Wednesday, October 9 at the Spring Creek Golf Club-one of the top 100 courses in the United States (at Zion Crossroads). The cost for the event is \$125 for an individual golfer or \$400 for a foursome and will include golf, a luncheon and prizes. **We are currently seeking Golf Hole Sponsors in the amount of \$150 each.**

The last is a sporting clays event to be held Tuesday, October 22 at Old Forge Sporting Clays in Providence (between Richmond and Williamsburg). The cost for the event is \$125 for an individual



shooter or \$400 for a foursome and will include 100 targets, a luncheon and prizes. **We are currently seeking Shooting Station Sponsors in the amount of \$150 each.**

We encourage companies to send their employees to participate and hope they will consider sponsorship. We especially hope that companies that have restrictions on direct political contributions will give serious consideration to purchase event and/or luncheon sponsorships. Your support is greatly appreciated!

For more information please contact Sherry Whiting by email at sherry.whiting@easterassociates.com or call (434) 326-9842. 

We Would Like to Thank Our PAC Event Sponsors

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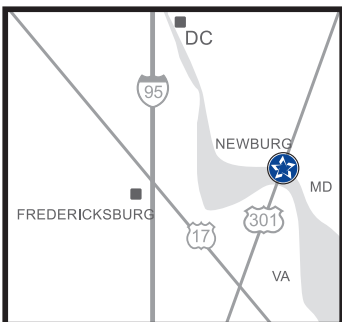
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Southwest Virginia Advisory Council
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Friday, September 20, 2013

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Cost includes golf, cart, refreshments, mulligans, red tees, practice balls and pre-golf luncheon. Raffle tickets will be available for an additional cost.

Golf Hole Sponsorships are available for \$75.

Deluxe Sponsorship is \$400 and includes one foursome and one hole sponsorship.

Registration will begin at 11 a.m. and lunch will be served at 12 noon. Golf will follow at 1 p.m. with a brief awards program ending the outing.

Checks may be sent to SW VA Concrete Council, c/o Paul Bryan, Froehling & Robertson, 1734 Seibel Drive, Roanoke, VA 24012 or paid online at VRMCA.com.

Please contact your local ready-mix producer for more information.



NRMCA Supports President Obama's Hurricane Sandy Rebuilding Strategies

NRMCA, along with the Portland Cement Association (PCA), met in August with a representative of President Obama's Hurricane Sandy Rebuilding Task Force to discuss synergies between the federal government's strategies and the concrete industry's strategies for rebuilding in the face of natural disasters. The task force released a report on August 19 that outlines the rebuilding strategy for communities affected by Hurricane Sandy and is intended to serve as a model for other communities facing greater risks from extreme weather. The report contains 69 policy recommendations that will help homeowners stay in their homes, strengthen small businesses, revitalize local economies and ensure entire communities are better able to withstand and recover from future storms.

During the meeting, NRMCA and PCA outlined their strategies for resilient construction which closely aligns with the federal government's strategies. NRMCA presented details of legislation



it initiated in Congress, H.R. 2241, the Disaster Savings and Resilient Construction Act of 2013, which would provide tax incentives for building owners and homeowners who rebuild using resilient construction methods in the aftermath of federally declared disasters.

NRMCA also provided details of a comprehensive strategy outlined in a report it issued earlier this year based on

a series of workshops it organized over the span of 10 months, starting in early 2012. The workshops, titled Adopting Disaster Resilient Construction at the Local Level, generated 48 recommendations that called for the reinvention of the way we build our infrastructure, buildings and homes in the face of rising disasters from extreme weather events. 🚧

MIT Concrete Sustainability Hub Working to Meet Climate Action Plan Goals

WASHINGTON, D.C.—A research hub at MIT is already working to address one of the key messages of President Obama's Climate Action Plan: changing our nation's infrastructure and energy use to reduce greenhouse gas emissions.

The MIT Concrete Sustainability Hub (CSHub) has been working since 2010 to actively address two of President Obama's key points: building a 21st century transportation sector and reducing greenhouse gas emissions.

The U.S. transportation sector burns more than 174 billion gallons of fuel each year, making up 27 percent of total greenhouse gas emissions. Strategies for improving fuel efficiency can be difficult to regulate and outcomes from such policies may take years to realize. CSHub research has shown that simply employing a more rigid pavement design can reduce vehicle fuel consumption by 0.1 - 1 percent. While this may seem minor, the impact is large when aggregated to the nation's transportation fleet. Considering that trucks alone travel roughly 300 million miles and consume more than 47 million gallons of fuel each year, leading to 425 million tons of CO2 emissions, there is a potentially tremendous annual impact.

By strategically designing and maintaining our nation's roadways, we have a lever to improve fuel efficiency without relying on vehicle fuel standards and maintenance practices.

The CSHub is working to find new ways to produce concrete that minimize the use of energy as well as improve its longevity and durability. 🚧

Article courtesy of cement.org.

The Newly-Constituted NLRB Just Like the Old NLRB?

By John G. Kruchko and
Paul M. Lusky

Last month, Senate Democrats and Republicans struck a deal to allow confirmation votes on President Obama's stalled nominations to the National Labor Relations Board, the federal agency charged with conducting union representation elections and investigating and remedying unfair labor practices by employers or unions. As part of the deal, the President agreed to withdraw his controversial re-nomination of recess appointees Richard F. Griffin Jr. and Sharon Block. Republicans in the Senate had strenuously objected to Griffin and Block because, as unconfirmed members of the Board, they continued to rule on cases even after several federal court of appeals decisions had found the President's purported recess appointments to be unlawful.

Almost immediately, the President nominated two additional pro-labor partisans, retired AFL-CIO lawyer Nancy Shiffer and Kent Hirozawa (an attorney whose resume includes 20 years working for a union-side law firm), to replace Griffin and Block on the Board. On Wednesday, July 24, 2013, the Senate Committee on Health, Education, Labor and Pensions ("HELP") approved the nominations of Shiffer and Hirozawa after they both pledged to remain impartial in deciding business-union disputes. The full Senate is expected to confirm all nominations to the Board by the end of August giving the NLRB a full complement of five confirmed members for the first time in several years.

Shiffer and Hirozawa will join with current Board Chairman Mark Gaston Pierce to form a Democratic majority on the Board. The Republican nominees, Philip A. Miscimarra and Harry I. Johnson, will be the minority members. Employers should expect that the newly-constituted Board majority will have a philosophical disposition similar to prior NLRB appointees during the Obama administration. Members Pierce, Shiffer and Hirozawa will undoubtedly follow the aggressive pro-labor course charted by previous Obama appointees to the NLRB.



The following discussion highlights just a few of the issues where the new Board is likely to be just like the old Board for the remainder of the Obama administration:

Union-Friendly Changes to Election Procedures

It is expected that the Board may once again attempt to implement changes to its rules to shorten the timeframe for union representation elections and limit pre-election adjudication and appeal of legal issues impacting the election process. Although a decision by the District of Columbia Court of Appeals in May, 2012 invalidated the Board's original "quickie election" rule on procedural grounds, the newly-constituted Board will be able to remedy any procedural defects and re-implement changes to its election procedures without fear of insufficient quorum issues.

More Decisions Allowing Unions to Organize Smaller Groups of Employees

In *Specialty Healthcare and Rehabilitation Center of Mobile* (August 26, 2011), the NLRB changed the test it uses to determine bargaining unit appropriateness for union elections, overturning years of precedent in the process. The case involved a petition for an election by the United Steelworkers in a bargaining unit consisting of 53 certified nursing assistants ("CNAs"). The Board held the bargaining unit of CNAs was appropriate

even though the employer demonstrated that 33 other service and maintenance employees shared a community of interest with the CNAs. The Board explained that where an employer challenges the appropriateness of a petitioned-for unit that is readily identifiable as a group and shares a community of interest on the grounds that it excludes additional employees with similar interests, the employer has the burden of demonstrating an "overwhelming" community of interest between the included and excluded employees.

The practical effect of the *Specialty Healthcare* decision is that, even when a union is unable to gather widespread support in a wall-to-wall unit of production and maintenance employees, the Board will permit the union to organize a smaller group of employees. As a result, organized labor will be able to establish footholds in businesses where the majority of the employees may not desire to be represented by a union. Further, even though the *Specialty Healthcare* decision arose in a health care setting, it will have application in other industries. As stated by Member Brian Hayes in his dissent in *Specialty Healthcare*: "Make no mistake. Today's decision fundamentally changes the standard for determining whether a petitioned-for unit is appropriate in any industry subject to the Board's jurisdiction." Employers in all industries can expect that the newly-constituted Board will allow unions to organize discrete subsets of an employer's workforce on a more frequent basis.

Continued Oversight of Social Media Policies and Other Restrictions on Employee Speech

The National Labor Relations Act ("NLRA") protects the rights of employees to speak and to act together to address workplace conditions. For several years now, employer policies restricting employee communications, either on-duty or off-duty, have faced increased scrutiny during NLRB unfair labor practice ("ULP") investigations. The Board has used every opportunity presented to it to strike down social media policies, employee confidentiality requirements and even at-will disclaimers in employee handbooks as "overly broad" restrictions of employees' right to engage in protected concerted activity under the NLRA. It is targeting unionized and non-unionized employers alike.

The new Board will undoubtedly continue this trend. Although the NLRB can only investigate an employer's policies when it is presented with ULP charges, the Board's proposed changes to its representation election procedures will encourage more union organizing and the likelihood that unions will file ULP charges when their organizing efforts are frustrated by employers trying to remain non-union. Of course, if the Board ever manages to convince the courts of appeal that it has the authority to require employers to post notices in the workplace explaining employee rights under the NLRA, it will create another fertile ground for ULP charges and resulting investigations into employer policies.


Union Access to Employer Email Policies

In its 2007 *Register Guard* decision, the Board held that an employer may lawfully prohibit its employees from using

the employer's email system for union organizing activities even though it allowed employee use for other personal, non-business purposes. This decision was not well-received by organized labor and it was thought to be one of the primary Bush Board decisions likely to be overturned by a more labor-friendly NLRB. Last year, the Board signaled a desire to revisit the *Register Guard* reasoning by inviting interested parties to file briefs on issues arising in another union access case, *Roundy's, Inc.*, including the question of "what bearing, if any, does *Register Guard* have on the Board's standard for finding unlawful discrimination in non-employee access cases."

Although the Board has not issued its decision in *Roundy's* as yet, the new Obama appointees to the Board would surely like an opportunity to reverse *Register Guard* and mandate that employers must permit unions to use a company's email system to communicate on matters concerning employees' terms and conditions of employment. The exact parameters of any access right for unions or their employee supporters to email systems operated by employers is yet to be determined. It may be that an employer will be forced to ban all non-business use of its email system by employees if it wants to deny union access to the email system.

Conclusion

Many employers believe they will never have to face an investigation by the NLRB. As described above, however, there are many ways that a labor-friendly Board can alter the current employment law landscape and force employers, both union and non-union, to confront issues dealing with employee representation and protection under the NLRA. 

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John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in Tysons Corner, Virginia; Paul M. Lusky is a Partner with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or JKruchko@KruchkoandFries.com, or Paul Lusky at (410) 321-7310 or PLusky@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

On the Horizon Calendar of Upcoming Events

SEPTEMBER 10, 2013

HRCAC Business Meeting

11:30 AM - 1:00 PM
Surf Rider Restaurant
Virginia Beach, VA

SEPTEMBER 10-12, 2013

ACI Concrete Field Testing Seminar and Examination*

Cultural Arts Center-Glen Allen
2880 Mountain Road
Glen Allen, VA

*PRE-REGISTRATION REQUIRED

SEPTEMBER 11, 2013

NVCAC/WACEL Round Table Discussion

10:30 AM - 2:00 PM
Tysons Corner, VA

SEPTEMBER 12, 2013

NVCAC Business Meeting

11:00 AM - 2:00 PM
Manassas, VA

SEPTEMBER 17, 2013

CVCAC Business Meeting

11:30 AM - 1:00 PM
Meadowbrook Country Club
Richmond, VA

SEPTEMBER 20, 2013

SWCAC Golf Outing & Seminar

11:00 AM - 5:00 PM
Ashley Plantation Golf Course
Daleville, VA

SEPTEMBER 24-26, 2013

ACI Concrete Field Testing Seminar and Examination*

Clarion Inn Fredericksburg
564 Warrenton Road
I 95 and Route 17
Fredericksburg, VA

*PRE-REGISTRATION REQUIRED

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