



Lynchburg Tunnel Project is North American First

By Bob Nablo,
Director of Industry Services

Construction of Liberty University's new vehicular tunnel is underway. After six years of planning and five months of construction, the tunnels being built on-site and then "pulled through" the earth under an operating railway are nearing completion. The four-lane tunnel is being built under a live, active, main line Norfolk Southern railway track on the west side of Liberty's campus and will facilitate the growth of the university while easing the traffic flow by replacing an at-grade crossing. It should greatly improve traffic flow along one of the busiest roads in the city, ending the need for vehicles to wait while trains cross.

Robert O'Brian of Lynchburg Ready Mix describes the tunnel as two jacked concrete boxes, each standing 26 feet tall and having two lanes entering and two lanes exiting – with sidewalks in each. Lloyd Concrete Construction is building the "boxes" on site, and Southland Contracting is the General Contractor. Lynchburg Ready Mix supplies the concrete. Each tunnel box weighs approximately 4.2 million pounds and the tunnel area will be more than 100 feet long. The boxes are being pulled through



the earth immediately behind digging equipment so as not to weaken the support for trains passing overhead. Each tunnel box is pulled by six jacks and more than 160 cables, moving at one foot per hour when in full operation. The project will have used in the neighborhood of

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in the mix ...

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Wishing you a joyous and prosperous New Year!

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Virginia Ready-Mixed Concrete Association

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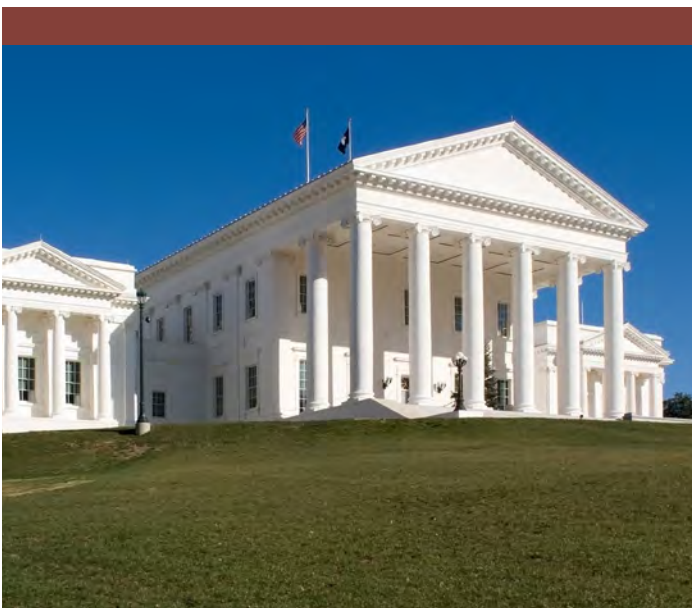
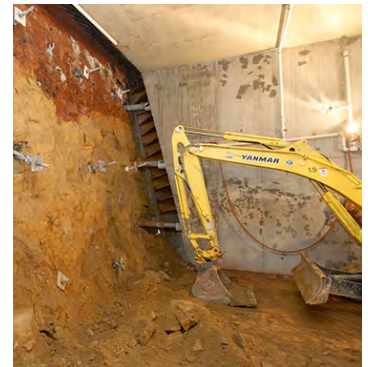
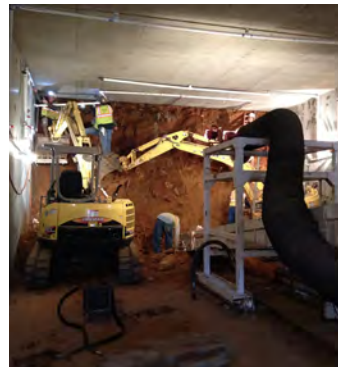


Virginia Truck Center

Tunnel *continued from page 1*

3,500 cu. yds. of concrete at completion. This is the first time the Norfolk Southern Railway has allowed concrete boxes this large to be pulled under an active line, and Charles Spense, Liberty’s Director of Planning and Construction, says “We were able to get the right people in the right places and earn the trust of the railroad to do this project.”

This is believed to be the first time such an operation has been attempted in North America, and Liberty University President Jerry Falwell, Jr. says “It’s really rare that something that’s never happened before in North America is happening in Lynchburg, Va. It’s really exciting. It will change the traffic flow on campus completely; this will become the main campus road.” Liberty is already constructing the new road that will lead through the tunnels to the main campus, and is fully funding the tunnel project. 🚧



VRMCA to Visit with Legislators

VRMCA invites you to join us on January 16, 2014 as we visit with your State Legislators at the Capitol in Richmond. We will gather together at 8:30 a.m. on Thursday at the Omni Richmond Hotel. A light breakfast and talking points for visits will be provided. We will then proceed to Capitol Hill from 9:30 a.m. until noon to visit with the legislators. Men should plan to dress in coat and tie and women in business attire. Please contact Christina Sandridge at (434) 326-9815 if you plan to attend. You can also email her at christina.sandridge@easterassociates.com. We hope to see you there! 🚧

2013 NVCAC Holiday Luncheon



**By Hessam Nabavi,
Director of Industry Services**

The 2013 NVCAC Holiday Luncheon was held on Wednesday, December 11th at the Bull Run Golf Club in Haymarket. This was a day to celebrate, to reflect and to be thankful for our team. Festive music was playing and a beautiful fire was on display in the stone fireplace.

Nearly thirty of NOVA were present. After lunch NOVA Council chairman, Dave Snider with Vulcan Materials, started the business meeting by thanking the members for supporting the council and this event. In his remarks, he talked about the productivity of NVCAC promotional council and praised the committee chairs for their effort. After Dave's remarks and my activity report, we briefly talked about the new 2014 NVCAC council structure.

Here are the highlights for this new 2014 council structure:


- The new council structure has been designed to create more efficiency and effectiveness within the NOVA council.
- In the new structure, leadership consists of chairman, secretary & treasurer and an 11 member executive council. The eleven members will include employees from the current Northern Virginia Ready-Mix members (Titan Virginia, Vulcan Materials, Chaney Enterprises, Essroc Ready-Mix and DuBrook Concrete), five employees from VRMCASuppliers members, and one representative of the



VRMCA. Committee chairs will not be identified within the executive council. Instead the current roles, duties and responsibilities of committee chairs will be administered by the executive council as a whole.

- The executive council will meet monthly and make the minutes of their meetings available to the NVCAC members. Monthly meetings for the executive council is open to all members.
- The executive council will work together to plan, coordinate, promote and implement agendas for all council's activities.
- The executive council will organize quarterly council meetings to report the activities of the executive council and to offer seminars on important topics challenging the concrete industry.

Dave and I then recognized all the committee chairmen for their leadership and effort, and presented each of them with a small gift as a token of appreciation for a job well done. I then recognized Dave for his outstanding service and leadership to NVCAC with a small gift and thanked him for accepting to remain as the council chairman for the next two years.

VRMCA is very appreciative of our members for their support of the council and its promotional goals and activities. 



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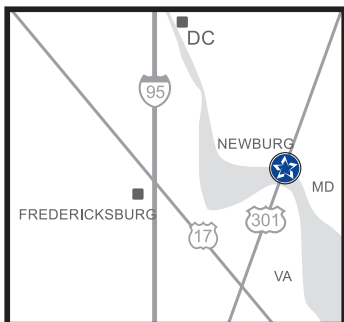
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Persue Green-Star Certification in the New Year!

What is Green-Star Certification?

The NRMCA Green-Star Program of the National Ready Mixed Concrete Association has been designed by the Environmental Task Group of the Operations, Environmental and Safety Committee (NRMCA-OES) as a means to support the efforts of the ready mixed concrete industry towards environmental excellence, through the recognition of the use of Environmental Management Systems (EMS) as a tool for environmental benchmarking and continual improvement, and as a means to recognize those who adhere to essential principals of the environmental and sustainability movement of our industry.

The NRMCA Green-Star Program serves as a useful mechanism to recognize those within the industry who have achieved or are actively working towards environmental excellence and/or a demonstrable reduction of environmental impacts, following the principals of sustainability. It will also provide a formal opportunity for the recognition of those companies through a rigorous,

structured certification process capable of withstanding third-party oversight. The foundation of the NRMCA Green-Star program was created in collaboration with the Environmental Protection Agency's Green Highways Partnership and the 10 Guiding Principles of Environmental Stewardship.

Benefits to Your Company

Using an Environmental Management System and pursuing Green-Star Certification will result in your company attaining savings through pollution prevention and waste reduction, lead to efficiencies that tie directly to the bottom

line, reduce likelihood of environmental problems, decrease liability and risk, and build community awareness as to your environmental stewardship. And, at the end of the day, customers favor doing business with companies that are proactive in environmental protection and dedicated to environmentally sound practices.

How to Get Started

Learn more about the Green-Star Program on the NRMCA website at: http://www.nrmca.org/operations/ENVIRONMENT/certifications_greenstar.htm or call Karen Bean at (240) 485-1168. 🚚



2014
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Warrenton	January 14, 15, 16 FULL
Roanoke	January 28, 29, 30 FULL
Virginia Beach	February 11, 12, 13
Richmond	February 25, 26, 27
Harrisonburg	March 11, 12, 13
Fredericksburg	March 25, 26, 27
Roanoke	April 8, 9, 10
Virginia Beach	April 22, 23, 24
Warrenton	April 29, 30, May 1
Richmond	May 27, 28, 29
Bristol	June 10, 11, 12
Harrisonburg	June 24, 25, 26
Virginia Beach	July 8, 9, 10
Roanoke	July 22, 23, 24
Richmond	August 19, 20, 21
Fredericksburg	September 2, 3, 4
Roanoke	September 23, 24, 25
Bristol	October 7, 8, 9
Richmond	October 28, 29, 30
Harrisonburg	November 18, 19, 20
Warrenton	December 2, 3, 4

Schedule your class soon. Classes fill quickly!

Notice: If you have a disability and need assistance to participate in the training or to take the examination, contact VRMCA headquarters at least two weeks prior to the course date.

Register online or complete a registration form for each attendee and mail with your check to:

VRMCA
250 West Main Street, Suite 100
Charlottesville, VA 22902

Company _____

Attendee's Name _____

Address _____

City _____ State ____ Zip _____

Telephone _____

Fax _____

Attendee's Email _____

Seminar Date _____

Seminar Location _____

COURSE REGISTRATION

Course fee includes 2-day course, ACI workbook, *PCA Design & Control* and examination. Materials will be provided when you arrive for class. This registration is valid for the 2014 classes only. No refunds or credits will be given after December 15, 2014.

- \$525 per person for non-members
- \$465 per person for VDOT
- \$350 per person for VRMCA members

Exam Retest—for individuals who have previously taken the ACI class through VRMCA
You must retest within one year of your original test date.

- \$180 retest fee

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Religious Discrimination and an Employer's Obligation

“Claims of religious discrimination can rise in situations when the hiring official or supervisor is advocating the espousal of certain religious beliefs, which, if not accepted by the applicant or the employee, results in an adverse employment action.”



By John G. Kruchko and Kathleen A. Talty

Employment discrimination charges are increasingly filed by employees who allege that a disciplinary action or a termination was not due to any wrongdoing by the employee, but, instead, due to the employee's protected status. Most typically, such employment discrimination charges are based on claims of sex, age, race, disability or sexual harassment. There is, however, a recent influx of employment discrimination charges that are being filed on the basis of religious discrimination.

Title VII of the Civil Rights Act of 1964, as amended, ("Title VII") extends protection to applicants and employees on the grounds of religious discrimination. The basis for a religious discrimination claim is an assertion that an employer treated either an applicant or an employee less favorably because of his or her religious beliefs.

What qualifies as a "religious belief" is broadly interpreted by the Equal Employment Opportunity Commission ("EEOC") and the courts. For example,

to assert a claim of religious discrimination, the individual need not belong to a traditional, organized religion, such as Buddhism, Christianity, Hinduism, Islam, and Judaism. Rather, Title VII's prohibition against religious discrimination extends to religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others. An employee's belief or practice can be "religious" under Title VII even if the employee is affiliated with a religious group that does not espouse or recognize that individual's belief or practice, or if few – or no – other people adhere to it. Title VII's protections also extend to those who are discriminated against or need accommodation because they profess no religious beliefs.

Claims of religious discrimination can rise in situations when the hiring official or supervisor is advocating the espousal of certain religious beliefs, which, if not accepted by the applicant or the employee, results in an adverse employment action. In one such case, a lighting

company advertised for an operations supervisor vacancy on the website of the church which was attended by the current operations supervisor. Mr. Edward Wolfe learned of the posting, but he was not a member of the church. Mr. Wolfe, who had prior operations management experience, applied for the position and an initial screening interview was scheduled. During the screening interview, the hiring manager casually gathered personal information about Mr. Wolfe's religious beliefs and practices. Despite Mr. Wolfe's resume and other job-related information, the only information that was forwarded to the branch manager about Mr. Wolfe was the information concerning his religious beliefs.

At the interview with the branch manager, the majority of the questions concerned Mr. Wolfe's religious beliefs, the churches that he attended, when he was "saved" and whether he "would have a problem" coming into work early to attend Bible study before clocking in to work. When Mr. Wolfe objected to the line of questioning that dealt with his religious beliefs, the branch manager expressed

dissatisfaction. Although Mr. Wolfe was qualified for the operations supervisor position and at the time there were no other viable applicants for the position, Mr. Wolfe was denied the position.

In the lawsuit that was subsequently filed, one allegation that was asserted was that Mr. Wolfe was denied employment because of his religious beliefs. The plaintiff's lawsuit was bolstered by the fact that the individual who was ultimately hired for the operations supervisor position held a religious ideology that matched that of the company and its leadership. The company ultimately settled the lawsuit for over \$82,000.


The employment discrimination laws also require employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer. Common accommodations can include flexible scheduling of arrival and departure times or break periods, voluntary swapping of shifts or assignments or modifying workplace practices. An applicant or employee who seeks a religious accommodation must make the employer aware both of the need for the accommodation and that the accommodation is being requested due to a conflict between religion and work.

The issue of an employer's failure to accommodate is a frequently litigated issue in the courts and often these cases arise in the context of an employer's failure to accommodate an employee's Sabbath observance. For example, in a lawsuit filed by the EEOC, the EEOC alleged that a car dealership failed to accommodate the religious practices of a Seventh-day Adventist employee when it scheduled the employee to work during the employee's Sabbath, which was observed from sundown on Friday to

sundown on Saturday, even though the employee requested an accommodation. Additionally, the EEOC alleged that the employer disciplined and then terminated the employee for taking leave to observe his Sabbath. In order to resolve the lawsuit, the employer settled the case and agreed to, among other things, pay the discharged employee almost \$160,000.

Employer dress codes is another area that can become subject to challenge when an employee's religious beliefs or tenets require the wearing of certain garb or facial hair and an employer refuses, in the absence of a demonstrated showing of undue hardship, to modify or adjust the dress code as a form of accommodation. An employer's rigid adherence to its dress code can have costly results, which one hotel recently discovered.

In a lawsuit brought by the EEOC against a hotel, the EEOC alleged that the hotel's failure to accommodate a Muslim woman's request for a modification of the hotel's dress code policy violated Title VII's religious discrimination provisions. According to the EEOC, the employer would not allow a Muslim woman to work unless she removed her religious head covering which was contrary to the employer's dress code. The hotel then terminated the woman when she declined to comply with the dress code. To avoid further litigation, the hotel agreed to pay the discharged woman \$100,000 and to provide other relief.

Supervisors and managers need to be aware of an employer's obligation to provide reasonable accommodation in the context of requests made by employees because of religious beliefs. Each accommodation request must be individually assessed before any decision is made. 

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On the Horizon Calendar of Upcoming Events

JANUARY 14-16, 2014

ACI Concrete Field Testing Seminar and Examination*

H.L. Pearson National Guard Armory
692 Waterloo Road
Warrenton, VA

*PRE-REGISTRATION REQUIRED

JANUARY 15, 2014

SWCAC Business Meeting

8:00 AM - 9:30 AM
The Roanoker Restaurant
Roanoke, VA

JANUARY 16, 2014

VRMCA Visits with Legislators

The Capitol, Richmond

JANUARY 28-30, 2014

ACI Concrete Field Testing Seminar and Examination*

Chandler Concrete of Virginia
614 Norfolk Avenue SW
Roanoke, VA

*PRE-REGISTRATION REQUIRED

JANUARY 21-24, 2014

World of Concrete

Las Vegas, NV

MARCH 1-3, 2014

NRMCA 2014

Annual Convention

Las Vegas, NV

MARCH 6-7, 2014

Annual Virginia Concrete Conference

Richmond, VA

MAY 5, 2014

VRMCA Mixer Truck Rodeo

The Meadow Event Park
Doswell, WV

MAY 18-20, 2014

VRMCA Spring Convention

The Greenbrier Hotel
White Sulphur Springs, WV

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

John G. Kruchko is a Partner with the Management Labor and Employment Law Firm of Kruchko & Fries in Tysons Corner, 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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