



Fort Lee Base Realignment and Closure Projects, \$1.2 Billion to be Completed by September Deadline

By J. Keith Beazley,
Director of Industry Services

The Fort Lee Base Realignment and Closure projects must be completed by September 30, by law, stated the Fritz Brandy, BRAC Project Manager. There are 39 total BRAC related contacts on Fort Lee and of those, 38 have already been let. The last project is a climate-controlled storage facility for ordnance artifacts.

A total of 56 new buildings are to be built as part of the growth of the post. So far, 45 are complete. Brandt said of the 4.7 million square feet of new space, 3.4 million is already complete. The projects that are still pending completion on post are the four buildings on the Ordnance Campus, two barracks buildings, a munitions/explosive ordnance disposal facility.

The demolition of Mifflin Hall, the old headquarters building, is almost completed and the construction of a parade field and parking lot will be placed where it stood. A troop medical clinic will be constructed on the Ordnance School Campus, and a building will be renovated for Defense Contact Management Agency. A new office will be constructed for the new Central Issue Facility. Brandt stated the projects will be completed on time with the fast construction schedule of the post. Since July, an Army and Air Force Exchange Service Store and Barber Shop, Warrior Training Facility, Air Force and Navy Dormitories, Transportation Management School and Culinary School Addition have been completed. A Training Ammunition Supply Point and Tactical Equipment Maintenance



View of present construction and illustration of the proposed completed project.

Facility have also been finished. Two of the buildings of the new Ordnance Campus have been finished and turned over to the Army.

All of the facilities still ongoing are scheduled to be completed by this summer. Before the Army can start to use the facilities furniture and wiring for audio-visual components must be completed. Fort Lee will have spent about \$1.2 billion on all BRAC projects when the work is completed. 🚚

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VRMCA
spring convention
TWO THOUSAND AND ELEVEN

MAY 15TH-17TH
THE GREENBRIER RESORT
SULPHUR SPRINGS, WEST VIRGINIA

Bob Long Addresses Southwest Virginia, Blue Ridge Councils on Local Streets and Roads Promotion

By Bob Nablo,
Director of Industry Services

Bob Long, Executive Director, Mid-Atlantic Chapter of ACPA, recently spent a busy day in western Virginia. Long addressed the regular breakfast meeting of the Southwest Virginia Council in Roanoke, talking about the Streets and Local Roads (SLR) promotional effort, the progress being made toward VDOT acceptance of a concrete paving specification and the new StreetPave software. He then squeezed in a quick stop at the Salem District VDOT offices before heading to Staunton to meet for lunch with the Blue Ridge Council, where he delivered a similar presentation about the ongoing promotion.

Long handed out excerpts from the VDOT Pavement Design For Subdivision And Secondary Roads In Virginia, pointing out that the Department currently has design methods for rigid pavement that are acceptable. There are also alternate pavement designs – based on Annual Average Daily Traffic – for new subdivision streets that he is



Bob Long presents to attendees at the breakfast meeting.

currently working with VDOT to correct and improve. He hopes that a new and accurate concrete alternate design will be ready by this summer. Bob also stressed that typically the District VDOT staff will make the decision on pavement design and it will be approved by state officials unless there is a major concern.

He also handed out an NRMCA document outlining the efforts by NRMCA and ACPA to provide tools

and collateral, as well as an introductory planning guide to help in launching local promotional efforts for SLR. Streets and Local Roads are a presentation topic at the upcoming Concrete Conference in Richmond, and all VRMCA members are encouraged to register and attend. It will be an excellent opportunity to meet municipal officials from your region, as well as district and state VDOT decision-makers. 🚚



NRMCA Addresses Importance of Personnel Issues with New Task Force


The National Ready Mixed Concrete Association has formed a task group for Human Resource (HR) specialists and managers who interact with company human resource staff, operations supervisors, managers and safety directors. This new group will provide a powerful environment for peers to exchange ideas as well as provide support and resources based on latest employee trends. Dealing with the current changes in the management environment, mitigating employee-causal risk, as well as developing a sharp eye for future staff hiring challenges are foremost on the initial agenda.

This strategic placement of the task group within NRMCA's Operations, Environmental and Safety Committee (OES) recognizes that the largest body of employees directly affected by the "people processes" within a ready mix company resides in operations. The task group will maintain an active dialog with NRMCA's Business

Administration Committee (BAC), incorporating BAC HR members into the new task group. It will be chaired by Steve Jones, Chandler Concrete, a member of both the OES Committee and BAC.

Participation is open to all NRMCA members. The first meeting is scheduled for Tuesday, March 22, from 2:30-4:30 p.m. in Room N255, second floor North Hall of the Las Vegas Convention Center as part of the CONEXPO-CON/AGG Show. 🚚

news|briefs

The Research Drive Garage project at Duke University is the nation's first single-use stand-alone U.S. Green Building Council (USGBC) LEED Certified parking facility. The project was a collaboration between Duke University and Walker Parking Consultants, a parking consulting firm. Constructed by Bovis Lend Lease, the \$35 million 1,900-space Research Drive Garage Project began in June 2008 and opened in January 2010. The garage replaced an existing surface parking lot, enabling the university to maintain green space. The ready mix supplier provided the concrete mix, which had a low water/cement ratio and chloride inhibitor. The parking garage columns had 7,000 psi strength. Source: February 8 article by Concrete Contractor magazine; read more. You can read more online at <http://www.forconstructionpros.com/print/Concrete-Contractor/Concrete-Contractor-Online-Features/Duke-University-Parking-Structure-Receives-LEED-Certification/7FCP19360>. 

Pervious Concrete Contractor Certification Course Comes to Richmond

By J. Keith Beazley,
Director of Industry Services


A Pervious Concrete Contractors Certification Course will be administered in Richmond on Wednesday, April, 6, 2011 by the VRMCA and the Central Virginia Concrete Advisory Council. The Pervious Concrete Technician Course will provide information on the Fundamentals of Pervious Concrete, Stormwater Management, Sustainable Development, Pervious Concrete technology, Pervious Concrete materials, Design Principles, Pervious Concrete Construction and Placement, and Troubleshooting.

The Special Course Instructor will be William (Bill) Denison, NRMCA Certified Concrete Professional in Concrete Technology. Bill has taught Materials Engineering and Concrete at the Tidewater Community College for 17 years and is a Certified Instructor for the Pervious Concrete Contractors Certification Course. Bill is a Value Engineering Specialist for Titan Virginia Ready-Mix in Norfolk.

A five-year certification will be issued by NRMCA after successfully

passing the written examination offered after the classroom session. A Pervious Concrete Technician is a person who demonstrated knowledge by completion of a written examination about the proper procedures to place, compact, finish, edge, joint, cure, and protect pervious concrete pavements, but who lacks the requisite field experience to qualify as a Pervious Concrete Installer or Craftsman. The placement of Pervious Concrete is not required for this certification. NRMCA offers three certification levels: Technician, Installer, and Craftsman.

The course would be beneficial to Concrete Contractors, Municipal Engineers, Municipal Public Works departments and Inspectors, Concrete Industry Management and Sales personnel, Engineers and Architects.

The registration form can be found on page 5. To reserve your space, contact the Central Virginia Concrete Advisory Council Secretary, Allison Carrigan by e-mail allison.carrigan@lafarge-na.com or 804/201.1015. Space is limited for the class; please respond as soon as possible to guarantee your spot. 

CSI Chapter Hosts Seminar on "Green Concrete"


On February 17 the Blue Ridge Chapter of the Construction Specifications Institute held a dinner/seminar in Roanoke featuring Scott Bergsbaken speaking on the topic "LEEDing the Way through Green Concrete". Tom Wahl of The SEFA Group attended the meeting and represented the SW VA Council as well as his company.



Bergsbaken has wide-ranging experience in the commercial construction industry, having been design consultant for a number of Fortune 500 company projects. He has also been involved in a similar capacity with several retailers and universities. His program addressed the impact of the EPA's limitations on VOC's inside the building envelope. New limitations are now being placed on conditions outside the building that may cause new challenges to the construction process. Bergsbaken talked at length about the impact

of topical and admixture remedies on both new and existing concrete, and the scope and magnitude of moisture impact on a building.

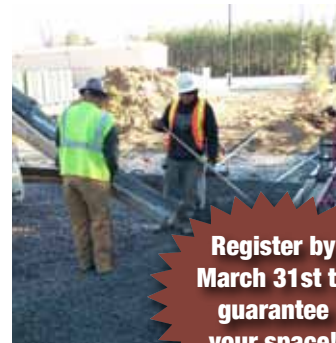
Wahl commented that "The best part of the evening was the networking with architects and engineers interested in not only the concrete industry but in the continued success and technical

advancement of our industry with Green Building ideas and innovations. Attendees came from Northern Virginia and Charlottesville, but most were local to the Roanoke Valley. With these dinner/seminar meetings being held only quarterly, it's not too taxing to make meetings and participate. VRMCA should continue the relationship with Blue Ridge CSI, and we really need to take advantage of the high turnout by architects to promote our industry and the finest building material available." 



The Virginia Ready Mixed Concrete Association and the
Central Virginia Concrete Advisory Council
present

THE NATIONAL READY MIXED CONCRETE ASSOCIATION **Pervious Concrete Contractors Certification Course**



**Register by
March 31st to
guarantee
your space!**

The Pervious Concrete Technician Course will provide information on the Fundamentals of Pervious Concrete, Stormwater Management, Sustainable Development, Pervious Concrete Technology, Pervious Concrete Materials, Design Principles, Pervious Concrete Construction and Placement, and Troubleshooting.

Special Course Instructor will be William Denison, NRMCA Certified Concrete Professional in Concrete Technology. Bill has taught Materials Engineering and Concrete at Tidewater Community College for 17 years and is a Certified Instructor for the Pervious Concrete Contractors Certification Course.

A five-year certification will be issued by NRMCA after successfully passing the 50-question examination offered after the classroom session. The placement of Pervious Concrete is not required for this certification.

COURSE SCHEDULE:

Registration	7:00 a.m.-8:00 a.m.
Pervious Concrete Course Lecture	8:00 a.m.-12 noon
Lunch (Complimentary)	12 noon-1:00 p.m.
Written Exam-Certification	1:00 p.m.-3:00 p.m.

Wednesday, April 6, 2011 • 8:00 a.m. – 3:00 p.m.

Virginia Society of Certified Public Accountants • Innsbrook Corporate Center-West End Richmond
4309 Cox Road, Glen Allen, VA • 804/270-5344

Who Should Attend?

Concrete Contractors • Municipal Engineers • Municipal Public Works Department and Inspectors • Concrete Industry Management and Sales Personnel • Engineers and Architects

Name: _____

Company or Firm: _____

Address: _____

E-mail: _____

Registration fee: \$275. Registration is required before March 31st to guarantee your space. Fee includes textbook, exam and NRMCA certification. Space is limited! Email your registration to Allison Carrigan at allison.carrigan@lafarge-na.com, Secretary of the Central Virginia Concrete Advisory Council. Make checks payable to Central Virginia Concrete Advisory Council.

Questions? Contact Allison at 804/201-1015--allison.carrigan@lafarge-na.com or Keith at 804/347-7003--keith@vrmca.com

NVCAC: From One Successful Year to the Next

By Hessam Nabavi,
Director of Industry Services

The Northern Virginia Concrete Advisory Council (NVCAC) has the vision, determination and attitude to get the job done. In 2010, leadership was instrumental in planning and implementing for the council's success. NVCAC's long list of accomplishments are important to mention. Promotional activities had to meet three criteria:

- It had to produce results;
- It had to be measurable; and
- It had to pay for itself and potentially create additional revenue.

Some of these activities included the Round Table Discussion, Golf Outing, 3rd Annual Building Green with Concrete Workshop, three Pervious Concrete Certification Courses, Pervious Concrete Testing Process I & II, Stamped Concrete Demonstration, Pervious Concrete Hands-on Training, Concrete 101 and five ACI exams. All criteria was met for each of these activities.

VRMCA would like to recognize the following members whose contributions were directly responsible for the success of the past year:

- Joel Woerl, *Titan Virginia*
- Jeff Slagle, *Rowe Materials*
- Kevin Terry, *Vulcan Materials*
- Tony Thompson, *Vulcan Materials*
- Bill McNamara, *Essroc Cement*
- James Murray, *Rowe Materials*
- Marc Granahan, *Lehigh Cement*
- Sean Murnane, *Vulcan Materials*



- Duane Laughlin, *Essroc Cement*
- Mel Howard, *DuBrook Concrete*

As important as is to appreciate the success of the past year, it is important to look forward to a successful 2011. This year has already started in a strong way with focus on the same three criteria in everything we do, to produce results, to be measurable and to be self-supportive. NVCAC's first council meeting was a testimony to a great kick off for this year (see picture). Over 30 members were present to support the council.

This year's promotional goals will be led by another strong group of leaders and we expect even greater success. This year's leaders are as follows.

- Jeff Slagle, *Rowe Materials*
Council Chairman
- Brian Dulaney, *Separation Technologies*
Commercial Committee Chairman,
- Bill McNamara, *Essroc Cement*
Residential Committee Chairman
- James Murray, *Rowe Materials*
Paving Committee Chairman
- Joel Woerl, *Titan Virginia*
Streets and Local Roads
Committee Chairman (*new committee*)
- Marc Granahan, *Lehigh Cement*
Educational Committee Chairman
- Zack Swanson, *Grace Const. Prod.*
Treasurer/Secretary

VRMCA greatly appreciates the member companies for encouraging their staff to attend the monthly meetings and their participation with the promotional goals of the council. We are very thankful for the dedication, work and effort of those members whose contributions have attributed to the success of this council year after year.

VRMCA encourages all members in NOVA to take an active role in the promotional activities of the council, to be a participant and assume more responsibilities.

We need more leaders because leadership makes a difference. 🚧

PLAN NOW TO ATTEND THE
2011 Virginia Concrete Conference
March 3-4, 2011

Sheraton Park South • Richmond, Virginia

For additional information, please contact Bob Long at 804/272-6337.

VRMCA 2011 Legislative Summary



The Virginia General Assembly considered over 2,500 pieces of legislation over the course of their 45-day session. If state budget negotiations are successful, the 2011 session is set to adjourn on Saturday, February 26th.

VRMCA lobbyists carefully tracked and lobbied a sizeable number of bills this session. A summary of the most relevant bills is included below for your reference. Please do not hesitate to contact us if you have any questions.

HB 1475 Workers' compensation; presumption that certain injuries are work related. **Chief patron: Ware, O.**

Summary as passed House: Workers' compensation; presumption that injury arises out of employment. Creates a presumption, in the absence of substantial evidence to the contrary, that an injury or death is work related. The presumption arises in a claim for compensation under the Workers' Compensation Act where an employee is killed, or is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury or death was work related.

01/26/11 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 02/17/11 Senate: Passed Senate with substitute (37-Y 2-N)

HB 1592 Public procurement; state agencies to put requests for bids, etc., on DGS' website. **Chief patron: Iaquinto**

Summary as passed House: Public procurement; posting on website. Requires all state authorities, agencies, institutions, departments, and other units of state government to put requests for

proposal and invitations to bid on the Department of General Services' website. The bill encourages, but does not require, local public bodies to likewise.

02/04/11 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 02/21/11 Senate: Passed Senate with amendments (40-Y 0-N)

HB 1612 Patriots Crossing project; requires VDOT to accept for review unsolicited proposal for construction. **Chief patron: Oder**

Summary as passed House: Patriots Crossing project. Requires the Virginia Department of Transportation to accept for review unsolicited proposals for construction of the Patriots Crossing (Third Crossing) project at Hampton Roads and, in evaluating any such proposals, to consider the cost/benefit ratio between proposed improvements to the Hampton Roads Bridge Tunnel and the Patriots Crossing with emphasis upon environmental, economic, and traffic congestion mitigation impact.

01/31/11 House: VOTE: PASSAGE (92-Y 5-N 1-A) 02/15/11 Senate: Passed Senate (40-Y 0-N)

HB 1738 Reporting of water withdrawals; State Water Control Board to impose a civil penalty. **Chief patron: Bulova**

Summary as introduced: Reporting of water withdrawals; penalty. Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. Any person who withdraws more than

one million gallons in any single month for crop irrigation or who withdraws during any single month a daily average 10,000 gallons per day is required to be registered and report the amount of his withdrawals. However, prior to determining whether a civil penalty should be assessed, the Board is required to follow certain due process procedures, such as issuing several notices in writing of the person's failure to report his withdrawals. The person will have 60 days after receiving the second notice to file the report. The bill also provides for public comment on the criteria for calculating the appropriate penalty that would be imposed. A violator has the option of entering into a consent agreement with the Board and paying a civil charge that could be less than the \$1,000 penalty. The revenue generated from the civil penalties and charges will be deposited in a special fund that can be used solely to fund the Department of Environmental Quality's water supply planning responsibilities.

02/04/11 House: VOTE: PASSAGE (75-Y 23-N) 02/16/11 Senate: Passed Senate (26-Y 14-N)

HB 2001 Quiet pavement technology; requires VDOT to expedite development. **Chief patron: LeMunyon**

Summary as introduced: Quiet pavement technology. Requires VDOT to expedite the development of quiet pavement technology.

02/07/11 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 02/22/11 Senate: Passed Senate (40-Y 0-N)

HB 2022 Overweight vehicles; Commissioner of DMV to develop comprehensive, tiered schedule for fees, etc. **Chief patron: May**

Summary as passed House: Overweight vehicle fees. Provides that the Commissioner of the Department of Motor Vehicles, in consultation with the Commonwealth Transportation Commissioner and the Executive Director of the Virginia Port Authority, shall develop a

continued on page 8

Legislature *continued from page 7*

comprehensive, tiered schedule of fees for overweight vehicles, taking into consideration the Virginia Department of Transportation's research on the cost impact of damage to Virginia's highways from overweight vehicles, the administrative feasibility of such fee structure, and the impact of such fee structure on the Commonwealth's economic competitiveness. Such fee structure shall be presented to the Joint Commission on Transportation Accountability by December 15, 2011.

01/24/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 02/15/11 Senate: Passed Senate (40-Y 0-N)

HB 2052 Labor organization representation; right to vote by secret ballot. **Chief patron: Hugo**

Summary as introduced: Right to vote by secret ballot on labor organization representation. Declares that in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement.

02/14/11 Senate: Passed by indefinitely in Commerce and Labor (9-Y 6-N)

HB 2262 Green Public Buildings Act; definitions, building standards. **Chief patron: Morgan**

Summary as introduced: Green Public Buildings Act. Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building to build to either U.S. Green Building Council Leadership in Energy and Environmental Design green building rating standard (LEED) Silver or Green Globes two globe standards. Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects. The bill has a delayed implementation date of July 1, 2012, for local public bodies and school boards.

02/08/11 House: Left in General Laws

HB 2448 Political contributions; prohibition during procurement process, penalty. **Chief patron: Gilbert**

Summary as introduced: Political contributions; prohibition during procurement process. Clarifies that a person must knowingly violate the prohibition against making or soliciting certain political contributions during the procurement process to the Governor, his political action committee, or the Governor's Secretaries in order to be subject to the civil penalty. The bill also requires that the party receiving a prohibited contribution must return it or, if the contributor cannot be identified, donate it to charity. The bill also provides that in order to trigger the prohibition against political contributions, the bid or proposal must be submitted to an executive branch agency that is directly responsible to the Governor.

02/08/11 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 02/21/11 Senate: Passed Senate (40-Y 0-N)

HB 2527 Va. Transportation Infrastructure Fund and Va. Transportation Infrastructure Bank; created, report. **Chief patron: Howell, W.J.**

Summary as passed House: Transportation funding. Provides statewide transportation funding. The bill creates the Virginia Transportation Infrastructure Bank ("Bank") to fund transportation projects. Up to 20 percent of funds in the Bank may be used to make grants or interest rate subsidies to localities for transportation projects, and the remainder is used to make loans to private or public entities for transportation projects.

The bill authorizes the issuance of Commonwealth of Virginia Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, shall not exceed \$1.2 billion, less any principal amounts outstanding from Notes issued pursuant to Chapters 1019 and 1044 of the Acts of Assembly of 2000. Proceeds of the Notes shall be used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth

of Virginia Transportation Capital Projects Revenue Bonds that may be issued in the fiscal years ending June 30, 2012, and June 30, 2013, from \$300 million to \$500 million and \$600 million, respectively.

The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve intercity passenger rail service.

Finally, the bill increases the annual cap on the program size of the revenue sharing program to \$200.0 million, increases the per project cap to \$10.0 million and provides that the funds allocated by the CTB will be distributed only to projects included in the Six Year Improvement Program or a locality's capital improvement plan.

02/17/11 Senate: Passed Senate with substitute (32-Y 7-N) 02/21/11 House: VOTE: REJECTED (31-Y 68-N)

HJ 619 Tolling of certain highways; Joint Commission on Transportation Accountability, et al., to study. **Chief patron: Rust**

Summary as introduced: Study; tolling of highways; report. Directs the Joint Commission on Transportation Accountability, in conjunction with the Joint Legislative Audit and Review Commission, to study the tolling of certain highways.

02/08/11 House: Left in Rules

SB 1049 E-Verify Program, federal; public contractors to register. **Chief patron: Barker**

Summary as passed Senate: Public Procurement Act; verification of legal presence. Provides that any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract shall register and participate in the federal E-Verify program to verify information and work authorization of its newly hired employees performing work pursuant to such public contract.

Any such employer who fails to comply shall be debarred from contracting with any agency of the Commonwealth for a period up to one year. Such debarment shall cease upon the employer's registration and participation in the E-Verify program. This bill incorporates SB 1288.

02/08/11 Senate: Passed Senate (40-Y 0-N) 02/21/11 House: Reported from Courts of Justice (19-Y 3-N)

SB 1126 Public Procurement Act; transportation-related construction projects. **Chief patron: Stosch**

Summary as passed Senate: Virginia Public Procurement Act; transportation-related construction projects. Provides for the duration of contract terms for environmental location, design and inspection work to one initial term of two years and clarifies that the sum of all projects in a one-year term may not exceed \$5 million. The bill also provides for the Commonwealth Transportation Commissioner to appoint a committee to review performance and payment bonding requirements for construction projects. The committee shall make recommendations regarding any changes to such performance and payment bonding requirements to the Commissioner by December 1, 2011.

02/02/11 Senate: Read third time and passed Senate (40-Y 0-N) 02/22/11 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

SB 1266 Size and weight compliance agents; citations for overweight vehicles. **Chief patron: Smith**

Summary as introduced: Size and weight compliance agents; citations for overweight vehicles. Allows the Commissioner of the Department of Motor Vehicles to appoint staff as "size and weight compliance agents" to enforce certain vehicle size limits. The bill outlines procedures for issuance of citations and enforcement of certain vehicle size limits by size and weight compliance agents. This bill is identical to HB 2051.

01/26/11 Senate: Read third time and passed Senate (39-Y 0-N) 02/14/11 House: VOTE: PASSAGE (93-Y 5-N)

SB 1272 Alcoholic beverage control; privatization of ABC stores. **Chief patrons: Obenshain, Watkins**

Summary as introduced: Alcoholic beverage control; privatization of ABC stores. Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell or transfer all interest in real property utilized in the wholesale and retail sale of alcoholic beverages. The bill requires the ABC Board to set a fixed number of licenses, not to exceed 1,000 licenses statewide. The initial issuance of licenses by the Board would be through regional auctions beginning July 1, 2012, which may also be conducted through the Department's publicly accessible website. The bill creates two new licenses, the wholesale spirits license and the spirits importer's license, and sets the privileges and applicable taxes for each. The bill also privatizes the wholesale function of the ABC Board. This bill contains numerous technical amendments.

02/08/11 Senate: Left in Rehabilitation and Social Services

SB 1446 Virginia Transportation Infrastructure Bank; created, report. **Chief patrons: Wampler, Colgan**

Summary as passed Senate: Transportation funding. The bill creates the (Fund) and the Virginia Transportation Infrastructure Bank (Bank) that would be managed and administered by the Virginia Resources Authority. The Bank would be capitalized as recommended by the Governor and appropriated by the General Assembly. Not less than 20 percent of the capitalization of the Bank would be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank.

The bill authorizes the issuance of Commonwealth of Virginia Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstand-

ing aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in a fiscal year from \$300 million to \$600 million.

The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve intercity passenger rail service.

Finally, the bill increases from \$50 million to \$200 million the total limit on revenue-sharing funds allocated by the Commonwealth Transportation Board (CTB) to certain counties, cities, and towns in any one fiscal year and increases from \$1 million to \$10 million the per project cap on funds; and provides that the funds allocated by the CTB will be distributed in accordance with the revenue-sharing guidelines established by the CTB.

02/07/11 Senate: Passed Senate (34-Y 6-N) 02/17/11 House: VOTE: PASSAGE (66-Y 32-N) 02/21/11 Senate: House substitute rejected by Senate (1-Y 38-N) 02/22/11 House: House requested conference committee

SJ 328 Motor fuel tax; Center for Transportation Innovation & Research to study replacing with alternative. **Chief patron: Miller, J.C.**

Summary as passed Senate: Study; replacement of the state motor fuel tax; report. Requests the Virginia Center for Transportation Innovation and Research to study the desirability and feasibility of replacing the state motor fuel tax with alternatives including a mileage-based fee predicated on vehicle-miles traveled in Virginia.

02/21/11 House: Left in Rules 

“GINA” Mandates Changes for (Almost) Everyone

By John G. Kruchko
and Christin L. Eberst

The Genetic Information Nondiscrimination Act (“GINA”) affects more employers than most realize. Hundreds of charges alleging violations of GINA have already been issued by the Equal Employment Opportunity Commission (“EEOC”). Those employers who think GINA does not apply to them should think again.

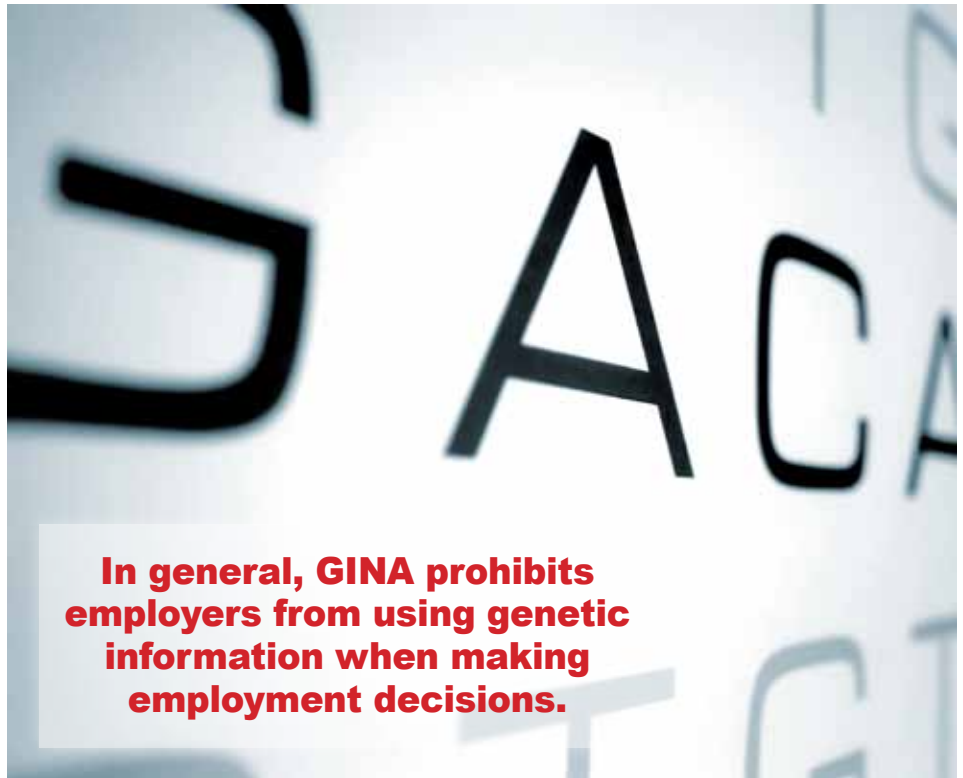
GINA went into effect on May 21, 2008, and the EEOC has recently issued regulations that took effect on January 10, 2011. The regulations and the text of the law are broad. Now subject to GINA are all employers who have 16 or more employees, and it also applies to employment agencies, labor unions, and joint-labor management training programs.

In general, GINA prohibits employers from using genetic information when making employment decisions. This includes all types of employment decisions such as hiring, firing, discharge, compensation, and other terms and conditions of employment. GINA also prohibits employers from requesting, requiring, purchasing or disclosing such genetic information. Significantly, GINA’s broad application holds employers liable even when they have no intent to acquire genetic information!

What is Genetic Information?

The statute and the regulations define “genetic information” to include an individual’s genetic tests; the genetic tests of that individual’s family members; family medical history; requests for, or the receipt of, genetic services of an individual or a family member; and the genetic information of a fetus carried by an individual, a pregnant family member, or the genetic information of the embryo legally held by an individual or family member using assisted reproductive technology.

The new regulations further define genetic tests as any analysis of the human DNA, RNA, chromosomes, proteins, or metabolites that are designed to detect the possibility of acquiring a disease in the future. For example, genetic tests include tests used to determine whether



an individual may be predisposed to cancer, or at a higher risk of conditions like cystic fibrosis; tests on how an individual may react to a particular dosage of drug; testing to detect family genetic traits or possible inherited diseases; or a simple paternity test.

In short, information pertaining to an individual’s genetics or future health, or their family’s medical history is most likely genetic information. Other general information such as an employee’s sex, age, race, ethnicity, or results from an employment-required drug or alcohol test will probably not be considered genetic information. Regardless of whether the genetic information is acquired with or without malice, the EEOC has made it clear that making an employment decision based on such information is always unlawful.

Are There Any Exceptions to Acquiring Genetic Information?

The regulations do, however, describe six narrow exceptions that allow an employer to possess genetic information. First, an employer who inadvertently acquires genetic information when request-

ing non-genetic information may not violate the rule. However, an employer must direct the individual or health care provider to not supply the employer with genetic information. This may be accomplished by incorporating certain “safe harbor” language in the medical request form.

Second, genetic information acquired in connection with health or genetic services offered by an employer does not violate GINA. This may include services provided by a voluntary wellness program, which the individual knowingly approves and which genetic information is only provided to that individual. Employees participating in these programs should fill out an authorization form that informs them of their rights under GINA.

Third, an employer may request an employee’s family medical history when necessary to comply with family and medical leave certification provisions. However, the employer’s policy must require all employees taking leave to care for a family member to substantiate their leave with information about that family member’s health condition. An employer’s health request may otherwise

appear discriminatory and in violation of GINA if it is not a general policy applicable to all.

Fourth, an employer may acquire genetic information that is available through commercially and publicly available sources. This includes newspapers, books, magazines, and some electronic sources. This does not include medical databases, court records, sources with limited access (i.e., social networking sites that you must get the individual's permission to view), or viewing publicly available websites with the intent to acquire genetic information.

Fifth, acquiring information to use in monitoring toxic substances in the workplace is lawful. However, the genetic monitoring must be required by federal, state, or local law, or where the individual gives prior consent through an acceptable authorization form. In addition, an employer must provide proper notice of the monitoring to the affected employees.


Finally, genetic testing conducted by employers for law enforcement purposes at a forensic laboratory or for human remains identification is lawful. However, GINA limits this exception to information that is used for analysis of DNA identification markers for quality control to detect sample contamination. Since these six exceptions are limited, employers should use caution when requesting any medical information from their employees.

What Does This Mean for You, the Employer?

To limit liability, employers should reevaluate what medical information is routinely requested from their employees and new hires. Managers and human resource personnel should be more aware of the types of questions they ask, and whether it may appear that they are "soliciting prohibited information." While general questions of an employee's health may appear innocent, they may violate

GINA if asked in a way that is likely to result in the receipt of genetic information. In addition to an increased general awareness, employers should take the following steps to help prevent a GINA violation:

1. Use "safe harbor" language when obtaining information in response to an employee's request for time off for his or her own medical condition. The recommended language from the EEOC is very specific and should be included in all instructions to health care providers conducting employment-related medical exams.
2. Obtain employees' voluntary consent and signed authorization forms from those using an employer's health or genetic services, or from those participating in other genetic testing that may fall into one of the six exceptions.
3. Update employment policies to reflect non-discrimination requirements posed by GINA.
4. Ensure that the most recent "EEO is the Law" poster is displayed, which reflects GINA's applicable provisions.
5. Keep all health-related information in a confidential file separate from other personnel records.
6. Check your local and state laws to ensure compliance with any additional, more protective "genetic information" laws.

An employer in violation of GINA could be liable for monetary damages, attorney's fees, and other types of compensation to the employee (such as rehiring and back pay). To avoid penalties up to \$300,000, plus any litigation expenses, you should contact your employment attorney to ensure your employment policies and forms are up-to-date. 

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On the Horizon Calendar of Upcoming Events

MARCH 1, 2011

Pervious Concrete Presentation

11:00 AM-2:00 PM

Chantilly, VA

MARCH 3-4, 2011

Virginia Concrete Conference "Concrete: Make Every Dollar Count"

Sheraton Park Hotel
9901 Midlothian Turnpike
Richmond, VA

*PRE-REGISTRATION REQUIRED

MARCH 8, 2011

HRCAC Business Meeting

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

MARCH 10, 2011

NVCAC Business Meeting

7:30 AM-10:00 AM
Manassas, VA

MARCH 15, 2011

CVCAC Business Meeting

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

MARCH 16, 2011

SWCAC Business Meeting

8:00 AM-9:30 AM
The Roanoker Restaurant
2522 Colonial Avenue Southwest
Roanoke, VA

APRIL 6, 2011

Pervious Concrete Contractor Certification Course

8:00 AM-3:00 PM
Innsbrook Corporate Center
Richmond, VA

*PRE-REGISTRATION REQUIRED

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

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