



Virginia Makes Top Ten List for LEED Green Buildings

The U.S. Green Building Council (USGBC) released its 2011 list of top 10 states for LEED-certified commercial and institutional green buildings per capita, based on the U.S. 2010 Census information. The District of Columbia leads the nation, with more than 31 square feet of LEED-certified space per person in 2011, with Colorado being the leading state, with 2.74 square feet per person in 2011.

Other top states include Illinois, Virginia and Washington, with 2.69, 2.42 and 2.18 square feet of LEED-certified space per person, respectively.

Looking past the bricks and mortar, people are at the heart of what buildings are all about," said Rick Fedrizzi, president, CEO and Founding Chair, USGBC. "Examining the per capita value of LEED square footage in these states allows us to focus on what matters most - the human element of green buildings."

LEED is the internationally recognized mark of green building excellence, with more than 44,000 projects commercial projects participating, comprising over 8 billion square feet of construction space in all 50 states and 120 countries. In addition, more than 16,000 homes have been certified under the LEED for Homes rating system, with more than 67,000 more homes registered.

"Our local green building chapters from around the country have been instrumental in accelerating the adoption of green building policies and initiatives that drive construction locally," continued Fedrizzi. "These states should be recognized for working to reinvent their local building landscapes with buildings that enliven and bolster the health of our environment, communities and local economies."



"This is a great accomplishment for the D.C. metropolitan region and a testament to the drive, commitment and leadership of all those who live, work and play in our community," said Mike Babcock, board chair of the National Capital Region Chapter of USGBC. "We also realize there is still more to do and hope to effectively guide the effort by engaging, educating and encouraging the dialogue around the value of sustainability."

"Being in the top three is a testament to the diversity of stakeholders from across Illinois who understand the significant environmental, economic, and social benefits related to LEED certification," said Doug Widener, Executive Director of the Illinois Chapter of USGBC. "I applaud Illinois' diverse green building community on this outstanding achievement."

Notable newly certified projects in 2011 include the Treasury Building in

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Bristol	June 5, 6, 7
Harrisonburg	June 26, 27, 28
Hampton	July 17, 18, 19
Roanoke	July 31, August 1, 2

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Washington, D.C., which is distinguished as the oldest LEED-certified project in the world; the LEED-Platinum Casey Middle School in Boulder, Colo.; the iconic Wrigley Building in Chicago, Ill.; Frito-Lay in Lynchburg, Va., which earned LEED Gold for the operations and maintenance of an existing building; the LEED Silver Hard Rock Café in Seattle, Wash.; Anne Arundel Medical Center in Annapolis, Md.; Yawkey Distribution Center of The Greater Boston Food Bank in Mass.; the LEED Gold Austin Convention Center in TX; SFO's LEED Gold Terminal 2 in San Francisco, Calif.; the LEED-Platinum Hotel Skylar in Syracuse, N.Y.; and the LEED Platinum Marquette Plaza in Minneapolis, Minn.

In December 2011, USGBC announced that LEED-certified existing buildings outpaced their newly built counterparts by 15 million square feet on a cumulative basis. A focus on heightened building performance through green operations and maintenance is essential to cost-effectively driving improvements in the economy and the environment.

For the full list of LEED-certified projects visit: usgbc.org/press. 🚚

South Boston Contractor Converts Project to Concrete



**By Bob Nablo,
Director of Industry Services**

With a healthy “push” from Hill Felton of Felton Brothers Ready Mix in South Boston, contractor J.E. Burton Construction Co. convinced the owners of the Woodview Nursing Home to convert a new drive-thru entrance and parking area from the originally specified asphalt paving to ready-mixed concrete. The 4,500 sq. ft. curving driveway project includes a sidewalk, and is built to a thickness of 6 inches, with thickened edges of 7 inches. 4,000 lb. psi concrete was used through-

out, and complements a smaller section of stamped, colored concrete placed at another entrance some years ago.

One of VRMCA's major promotional efforts continues to be parking areas, with special emphasis on converting asphalt designs to concrete. This project was the beneficiary of the arrival of colder weather, but that does not diminish the efforts of Felton Brothers or concrete-friendly Burton Construction. This project is a nice, visible addition to South Boston, as the driveway enters and exits onto a main city street. 🚚

Amendment Paves the Way for Efficient Infrastructure Spending

The passage of legislation aimed at redeveloping excess federal properties into valuable, long-lasting assets is an important step to improving the efficiency of government spending.

If enacted, the Civilian Property Realignment Act (H.R. 1734) will create a commission that reviews federal real estate inventory and makes recommendations to Congress about selling or redeveloping high-value properties. An amendment to bill introduced by Rep. Russ Carnahan (D-MO) also requires a life-cycle cost analysis (LCCA) of at least 50 years on all federal building projects over \$1 million, including construction, alteration, or acquisition of any building or space to be leased with a value in excess of \$1 million.

“The successful passage of the Civilian Property Realignment Act shows that elected officials in Washington are taking serious steps to be more efficient spenders of our tax money,” Greg Scott, senior vice president of government affairs for the Portland Cement Association (PCA) said. “A through life-cycle cost assessment of any structure, whether it be buildings, bridges or roads, provides the full range of costs – construction, maintenance, reconstruction, user, direct and indirect – with a time frame that reflects the real world life of a structure.”

A complete LCCA provides a framework to determine the economic and environmental life-cycle costs of infrastructure over the real life of projects. As policymakers and political leaders work to account for the environmental and economic costs of public building and paving projects, this type of comprehensive costing model provides a roadmap for efficient decisions. 🚚

Loudoun County Employs Pervious Concrete for New Youth Shelter in Leesburg

By Hessam Nabavi,
Director of Industry Services

Loudoun County is leading other counties in Northern Virginia in utilizing pervious concrete for county projects. The new Loudoun County Youth Shelter, located in Leesburg, was designed by SAMAHA Associates Architects, and creates a dynamic facility providing a campus style plan and a comfortable home-like atmosphere for displaced youth. It offers the repetition of open and closed forms with emphasis on design clarity.

The shelter is designed to serve the community through environmental stewardship by employing the latest technological advancements in the building industry. Twenty geothermal wells and a 120 photovoltaic panel array are just a couple of the systems responsible for the project's energy savings.

Working with Sandy Hunter, AIA, LEED AP, Capital Projects Design Manager with Loudoun County Department of Construction and Waste Management, and using NRMCA CPA Software has resulted in pervious and conventional concrete being specified as the paving material of choice for this project. The



project is mostly complete and it is expected to achieve a LEED Gold rating certificate.

Loudoun County Department of Construction and Waste Management and SAMAHA Associates are offering

a presentation and tour to showcase the newly completed Loudoun County Youth Shelter on March 3rd from 2-4 p.m. The tour is free and reservations are not required. The Shelter is located at 16445 Meadowview Court in Leesburg. 🚚

Sam Kirby Continues His Talks with Regional Councils

F&R President Sam Kirby recently gave short presentations on the geotechnical aspects of land use planning for new streets and roads to the Blue Ridge and Southwest Virginia Advisory Councils. Mr. Kirby has now visited three of the five Virginia Regional Councils and has one further presentation scheduled in Hampton Roads. His talk focuses on the geotechnical tests and studies of the soils that will support proposed roads and streets and how those results will affect the design of the pavement. He stresses consistency in the subgrade, pointing out that soils can be consistently soft or consistently firm, but that the designer must know the conditions. Kirby also notes that a stone subbase is unnecessary with concrete paving, but that "standard practice" causes it to be used in almost every project.

Sam has been with Froehling and Robertson for more than 35 years and his experience and expertise is invaluable. He is responsible for company administration and for the performance of regional work, and has oversight on F&R contracts. His initial years with the company were spent in concrete technology services and he continues to be involved in materials and construction engineering. His VRMCA presentation is very timely, in that it gives more complete understanding to the whole process involved in building a residential subdivision or a commercial development. The Streets and Local Roads promotion requires an awareness of the problems and requirements placed on a developer, and as our members are better informed we can offer stronger proposals.

Thanks to Sam Kirby for offering his time to make these presentations and to Chuck Starnes for initiating the idea and planning the schedule. We certainly appreciate their support of our promotional efforts. 🚚

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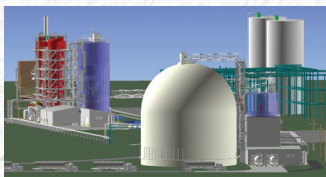
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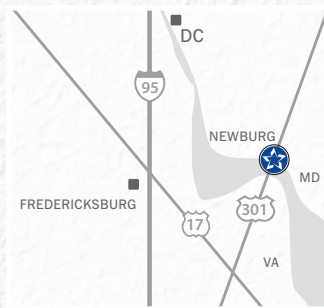
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Love in the Workplace



By John G. Kruchko and Paul M. Lusky

A 2009 workplace dating survey found that forty percent of workers in the United States have dated an office colleague, with thirty-one percent of those romances progressing on to marriage. It appears that the workplace is still an ideal place for a young man or woman to find true romance. When a friendly business relationship between two people leads to an amorous relationship outside of the office, what can be the harm?

More times than not, however, employers have found so-called "office romances" to be detrimental to productivity and efficiency. Worse yet, a romantic relationship that turns sour can result in legal consequences that neither person envisioned at the onset of the relationship. A mutually satisfying, amorous relationship between a man and woman can be transformed into a hostile environment for one person accompanied by persistent sexual harassment. In fiscal year 2011, there were 11,364 charges of sexual harassment filed with the Equal Employment Opportunity Commission.

The frequency of sexual harassment law suits has made many employers

wary of condoning romantic relationships in the workplace. This is especially true of romances between supervisors and their subordinates. If the relationship does go bad, the supervisor may find it difficult to discipline the subordinate employee without raising questions of retaliation. Many cases of sexual harassment have arisen after the consensual relationship has ended and the employee rejects any further advances by the supervisor. Conduct which was previously welcomed by an employee during the relationship may legitimately be deemed unwelcome at a later time.

An actionable claim of sexual harassment can also arise between fellow employees. If an employer does not take immediate and appropriate corrective action to end harassment directed at one employee by another, the employer can be liable for creating a hostile environment or at least allowing that environment to continue to exist. Friendly banter in the workplace and innocent flirting can evolve into exchanges which can demean and demoralize the more vulnerable employee. For example, suppose a male employee misreads a

female employee's desires and asks the employee out for a date. When she refuses, he continues to pester her in an attempt to convince her to go out with him. He leaves notes at her workstation, constantly lingers around her work area and repeatedly invites her to explore a "deeper" relationship outside of work. Despite her requests for him to "back off", the employee continues to pester the female employee. The woman's rejections begin to infuriate the male employee and he makes crude remarks about her sexuality or morals. If company management does not take action to halt the growing tension between the two employees, the female employee may feel compelled to quit her job and sue the company for sexual harassment.

Employers have legitimate reasons other than liability for sexual harassment complaints for discouraging romance in the workplace. A romantic relationship can be sexually charged and disconcerting for both employees. They may have trouble keeping their mind on their work while they are around each other with the result that errors occur or productivity is slowed. The amorous relationship may, in fact, disturb other employees

“Because a workplace romance can create serious legal complications, employers must not ignore an obvious romantic relationship between employees.”


in the workplace. Where the company provides service to the public, employees who cannot contain their affection for each other may irritate customers.

Some employers have attempted to regulate the romantic involvement of employees in the work place by promulgating “no-fraternization” policies. In most cases, the policies are aimed and applied to relationships between supervisors and their subordinates where there is the potential for sexual harassment litigation. In today’s litigious society, such a policy may make perfect sense despite its intrusion into the private affairs of supervisory employees. The rule must be applied uniformly, however, and the employer must not look the other way for certain romantic relationships in the workplace while seizing on the policy to discharge an employee on another occasion simply because the employer wants a particular employee out of its workplace.

No-fraternization policies have less justification when they are aimed at relationships between non-managerial employees. Where one employee does not supervise another, there is less likelihood of the kind of control or power that can lead to *quid pro quo* sexual harassment or the development of a hostile environment in the workplace. As an alternative, a written sexual harassment policy with training for employees in permitted behavior under the policy should be effective in controlling the consequences of romantic relationships gone sour or the “rejected suitor” syndrome. Further, romantically involved employees can always be disciplined if their display of affection for each other violates accepted norms of behavior or

interferes with work performance.

Nevertheless, some employers, concerned about the possibility that sexual harassment policies are not sufficient to prevent a hostile environment from developing between employees once a romantic relations ends, have begun using so-called “love contracts” to protect against potential liability. In the love contract, the dating employees acknowledge that their romantic relationship is consensual and agree to abide by company policies dealing with harassment in the workplace, both while dating and should the relationship end. Generally, there are several other key elements that should be addressed in the love contract, including (1) the employees’ agreement to follow certain guidelines, such as refraining from displays of affection at work or work-related events; (2) each employee should acknowledge and agree that either employee can end the relationship without fear of retaliation; and (3) each of the dating employees should agree to waive their respective right to pursue a claim of sexual harassment for any event that preceded the signing of the contract.

Because a workplace romance can create serious legal complications, employers must not ignore an obvious romantic relationship between employees. Although a love contract may seem like too great an intrusion into the private lives of employees, employers must, at the very least, have policies in place that regulate the workplace excesses of amorous relationships and conduct regular training of employees on the company’s prohibition against sexual harassment. 

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

MARCH 7, 2012

NVCAC Pervious Concrete Certification Course
7:30 AM - 4:00 PM
Luck Stone
Chantilly, VA

MARCH 8, 2012

NVCAC Business Meeting
7:30 AM - 9:00 AM
Manassas, VA

MARCH 8-9, 2012

Virginia Concrete Conference
Sheraton Hotel
Midlothian, VA

MARCH 12, 2012

SWCAC Streets and Local Roads Meeting
12:00 NOON - 1:00 PM
Roanoke, VA

MARCH 21, 2012

SWCAC Business Meeting
8:00 AM - 9:30 AM
Roanoker Restaurant
Roanoke, VA

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

Got News?



For coverage in future issues, send press releases and photos to marci.malinowski@easterassociates.com or mail materials to:

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