



## NRMCA and VRMCA Host Streets and Local Roads Seminar

By Bob Nablo,  
Director of Industry Services

As part of the ongoing Streets and Local Roads promotion, VRMCA and NRMCA recently partnered to host a seminar for VRMCA members at the Boar’s Head Inn in Charlottesville. The event featured officials from NRMCA, an experienced promoter from Nebraska and a panel of contractors. This full-day presentation attracted more than 60 attendees interested in the “how to” aspect of promoting concrete street paving to the Virginia Department of Transportation, city governments and local municipalities.




**Norm Nelson discusses Omaha city streets.**

Bob Chandler, Chairman of the VRMCA Advisory Council, welcomed the attendees and moderated the event. He first introduced Glenn Ochsenreiter, Senior Vice President of Marketing for NRMCA, who spoke on the ways the Commonwealth fits into the national initiative of concrete paving. That led to Bob Long, Executive Director of the Northeast Chapter of ACPA, who brought the discussion to the local level, showing how VDOT fits into the promotion. Long also discussed in detail the VDOT Six Year Improvement Plan and how it can be used to identify specific projects. Nebraska promoter Norm Nelson talked about the techniques used in the City of Omaha to promote, design and install concrete streets, and also discussed some of the issues encountered when dealing with elected officials and municipal problems. The morning session was completed with a panel discussion featuring Virginia concrete contractors. Each of them discussed their company’s role in concrete products and

they handled questions from the audience about objections to concrete paving and how to handle the concrete-versus-asphalt issues.

The afternoon session featured Brian Killingsworth, PE, Senior Director of Pavement Structures for NRMCA, discussing the fundamentals of street design plans and the details of the new StreetPave software. Killingsworth went step-by-step through the design process and discussed how and why he would make certain recommendations when potential projects were submitted to him for review and assistance.

Chandler wrapped up the seminar by thanking everyone for attending. It is expected that the Streets and Local Roads promotion will continue for many years, expanding and evolving as successful projects are developed. Please get in touch with your regional advisory council if you wish to be a part of the promotion, or know of a possible project. 

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Harrisonburg	November 29, 30, December 1
Roanoke	December 6, 7, 8
Warrenton	January 17, 18, 19
Roanoke	February 7, 8, 9
Hampton	February 14, 15, 16
Richmond	February 21, 22, 23
Harrisonburg	March 6, 7, 8
Fredericksburg	March 20, 21, 22
Roanoke	April 3, 4, 5
Hampton	April 17, 18, 19
Warrenton	May 1, 2, 3

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

## 2011 VRMCA Advisory Council Regionals

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Phone: 540/777-7600  
lbullock@boxley.com

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**Buddy Murtaugh Jr.**  
Chairman  
Rockingham Redi-Mix  
Harrisonburg, VA  
Phone: 540/433-9128  
buddy.murtaugh@conmatgroup.com

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Secretary/Treasurer  
Lafarge North America  
Baltimore, MD  
Phone: 804/201-1015  
allison.carrigan@lafarge-na.com

### HAMPTON ROADS

**Joe Bradshaw**  
Chairman  
Commercial Ready Mixed Products  
Suffolk, VA  
Phone: 757/925-3368  
joecrmp1@hotmail.com

**Lee Flemming**  
Secretary/Treasurer  
Lafarge North America  
Chesapeake, VA  
Phone: 757/647-9409  
lee.flemming@lafarge-na.com

### NORTHERN VIRGINIA

**Jeff Slagle**  
Chairman  
Rowe Materials  
Fredericksburg, VA  
Phone: 540/809-1999  
jslagle@rowematerials.com

**Zack Swanson**  
Secretary/Treasurer  
Grace  
Elkridge, MD  
Phone: 410/794-6973  
zack.swanson@grace.com

### RICHMOND/CENTRAL VIRGINIA

**Frederick Helm**  
Chairman  
Vulcan Materials, Inc.  
Chester, VA  
Phone: 757/591-9340 x340  
helmfv@vmcmail.com

**Andrew Owens**  
Secretary/Treasurer  
Advantage Environmental Consultants  
Richmond, VA  
Phone: 804/201-1015  
aowens@aec-env.com

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**Robert O'Brian Jr.**  
Chairman  
Lynchburg Ready Mix Concrete  
Lynchburg, VA  
Phone: 434/846-6563  
rmobrian@gmail.com

**George Kuhn**  
Secretary/Treasurer  
Chandler Concrete  
Christiansburg, VA  
Phone: 540/382-1734  
george.kuhn@chandlerconcrete.com



## Transportation: Your Ride to the Future

By Hessam Nabavi,  
Director of Industry Services

In early October, NVCAC Chairman Jeff Slagle with Rowe Materials and Hessam Nabavi of VRMCA participated in the 2011 VDOT Transportation Career Fair at Prince Williams Fairgrounds in Manassas. This was the 7th year for this annual event which is supported by VDOT and offers information on careers across the spectrum of transportation-related occupations.

The event theme was *Transportation: Your Ride to the Future*. The focus was to provide the high school students with necessary information about various careers such as architectural, engineering, construction and environmental fields related to transportation.

72 exhibitors including government agencies, consulting firms, contractors and associations from all over Virginia were showcasing their services, benefits and potential careers in the related fields. Colleges such as Virginia Tech, Northern Virginia Community College and Southside Community College were also in attendance providing students with information about their transportation related programs.

The exhibit hall included a variety of activities from bridge building exercises, robotics, asphalt cookie making, etc.

Various equipment, from a fire truck and a crane to surveying gear and a flight simulator, was on display or available for hands-on participation outside.

Sean T. Connaughton, Virginia's Secretary of Transportation and Gregory Whirley, VDOT Commissioner participated in this event. In their brief talk they addressed the students, describing the potential opportunities that exist in transportation and encouraging students to look more in depth into these careers.

This was a fun and educational day for students and a rewarding day for exhibitors who were able to share their knowledge and experience with the future workforce. 🚚



A student learns about finishing concrete.



Sean Connaughton speaks to students.



Students at the VDOT Career Fair.

## Virginia Concrete Conference Forum Set “Concrete: The Competitive Choice”

By J. Keith Beazley,  
Director of Industry Services

The Annual Virginia Concrete Conference for the Virginia Transportation Industry will be held March 8-9, 2012 at the Sheraton Park South Hotel in Richmond. The conference provides a forum for the exchange of information and technology transfer on concrete pavements and structures, as well as concrete materials. Emphasis will be placed on technical advancements and improvements and the viability of concrete for transportation applications. Industry and governmental experts will be in attendance to share their knowledge and experiences.

The conference is being hosted by the American Concrete Pavement Association, the Virginia ACI, the Virginia Ready Mixed Concrete Association, the Precast Association, VDOT, and the Federal Highway Administration. A steering committee is composed of representatives from each group and the committee works



Conference planning committee (left to right) Bob Long, ACPA; Mohamed Elfino, VDOT and Marie Derby, Essroc.

throughout the year to develop an agenda and program format with topics of current interest and up-to-date information on transportation issues. Marie Derby, Essroc Cement Corporation, and Keith Beazley, VRMCA, serve on the annual steering committee. The theme for the 2012 Conference will be “Concrete: The Competitive Choice”.

The program will be of special interest to VRMCA members with programs

geared towards our statewide *Local Streets and Roads Program*. Support is needed from our industry to network with the industry’s leading professionals and to show our support for the drive for more concrete in the Virginia roadway system. Information and reservations forms will be mailed at the beginning of the year. Attendance is very important to our industry to demonstrate our interest in concrete streets and roads. 🚧



### Southwest Virginia Council Promotes SLR with 2011 Golf Outing

Ending a three year hiatus, the Southwest Virginia Council hosted a very successful golf outing at the Ashley Plantation Golf Course in Daleville. Council members decided earlier this year to renew the outing with two goals in mind – to raise funds to help pay for a planned winter seminar, and to interest local VDOT officials, engineers, contractors and municipal officials in the ongoing VRMCA Streets and Local Roads promotion. The plan was to make the event a captain’s-choice, handicapped tournament, allowing even “sometimes golfers” the opportunity to mingle with Council members and hear about concrete paving.

Paul Bryan of F&R performed the majority of the planning work and was rewarded with a spectacular fall day and temperatures in the mid-70s. Forty golfers hit the links after a pleasant buffet luncheon, and more than four hours later the team sponsored by Lehigh Cement took home the first place prize. Fourteen member companies participated in hole sponsorships, helping the Council make a respectable amount of money that will be used to sponsor a seminar for engineers and contractors in early 2012.

Thanks to all who played or helped organize the outing, and to all the member companies that sponsored teams. 🚧



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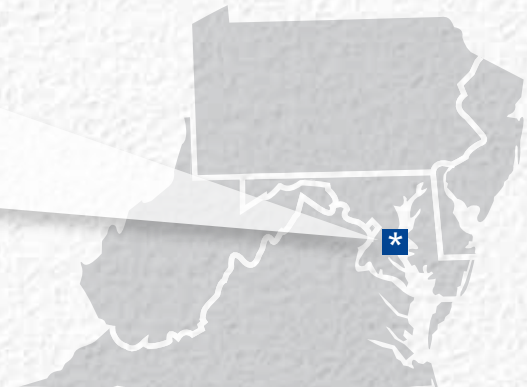
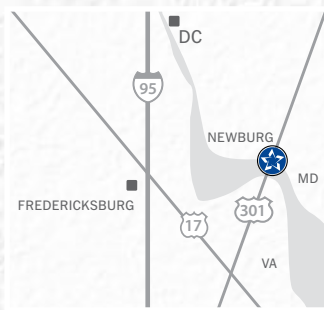
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## Tidewater Community College Slated as Site of Pervious Contractors Certification

By J. Keith Beazley,  
Director of Industry Services

The VRMCA and the Hampton Roads Concrete Advisory Council will present the Pervious Concrete Contractors Certification Course developed by the NRMCA on the campus of the Tidewater Community College in Virginia Beach, Virginia. The Tidewater Community College Civil Engineering Department teaches courses in advanced Concrete Technology and Materials Engineering, and is a national model for technical education.

The special course instructor will be William Denison, NRMCA Certified Concrete Professional in Concrete Technology. Bill has taught Material Engineering and Advanced Concrete Technology at Tidewater Community College for 18 years. Bill Denison is a Certified Instructor for the NRMCA Pervious Concrete Certification Course. The course will be taught in the Advanced Technology Building for Civil Engineering Technologies on campus. Mr. Denison is the Quality Manager and Materials Engineering Specialist for Titan America's SOVA Division in Hampton Roads.

The Pervious Concrete Technician Course will provide information on the Fundamentals of Pervious




**Pervious concrete course instructor, Bill Denison of Titan America.**

Concrete, Storm Water management, Sustainable Development, Pervious Concrete Technology, Pervious Concrete Materials, Design Principles, Concrete Construction and Placement, and Troubleshooting.

A five-year certification will be issued by the NRMCA after successfully passing a written examination offered after the classroom session. The placement of Pervious Concrete is not required for the certification. Individuals who should attend are Concrete

Contractors, Municipal Engineers and Public Works Departments, Concrete industry Management and Sales Personnel, Engineers and Architects.

The course will take place on Wednesday, November 9, 2011 from 8 a.m. to 3 p.m. To make your reservations, please contact Bill Denison, Titan America or Barb Nelson, Titan America, 2125 Kimball Terrace, Norfolk, VA 23502. Telephone 757-533-7164. E-mail [bnelson@titanamerica.com](mailto:bnelson@titanamerica.com) or [wdenison@titanamerica.com](mailto:wdenison@titanamerica.com). 

### Leading Causes of Construction Deaths Identified

Deadly falls. Lethal electrocutions. Being crushed or caught between objects or being struck by moving machinery or objects.


These four types of accidents are the leading causes of death in the construction industry, according to the Occupational Health and Safety Administration (OSHA), a division of the United States Department of Labor.

In response, OSHA now requires a module on the four hazards to be used in 10- and 30-hour construction outreach courses. MANCOMM, an American safety and compliance publisher, has released two related publications: *Construction and Focus 4: Instructor Guide* and *Student Handbook*, to help address the top four construction industry hazards.

"Lowering the accident and injury rates for the four main jobsite hazards through enhanced training would do much to reduce accident statistics throughout the construction industry," said Benjamin Mangan, President of MANCOMM.

According to the U.S. Bureau of Labor Statistics, in 2010, 751 members of the construction industry died from work-related injuries and falls, that is 35 percent of all construction fatalities, or about 260 deaths.

Mangan said the publications will provide the construction industry with the knowledge to foster safer work practices.

"More importantly, they will help to prevent tragic accidents and deaths on jobsites nationwide." 



The Virginia Ready Mixed Concrete Association and the  
Hampton Roads Concrete Advisory Council  
present

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



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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 a.m. - 8 a.m.
Pervious Concrete Course Lecture	8 a.m. - 12 noon
Lunch (complimentary)	12 noon - 1 p.m.
Written Exam-Certification	1 p.m. - 3 p.m.

**Wednesday, November 9, 2011 • 8:00 a.m. – 3:00 p.m.**

Tidewater Community College • Advanced Technology Center, Room H-179  
1800 College Crescent, Virginia Beach, VA • 757/648-5800

## 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: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Registration fee: \$275. Make checks payable to Hampton Roads Concrete Advisory Council. Registration is required before November 4th to guarantee your space. Fee includes textbook, exam and NRMCA certification. Space is limited! Mail your registration and payment to Bill Denison, Value Engineering Specialist, Titan America, 2125 Kimball Terrace, Norfolk, VA 23502.

**Questions? Contact Bill Denison at 757/435-0530--wdenison@titanamerica.com or Barb Nelson at bnelson@titanamerica.com**



## Congress Takes Action to Protect American Jobs

October's bipartisan passage of "Cement Sector Regulatory Relief Act of 2011" (H.R. 2681) by the U.S. House of Representatives illustrates the importance of putting in place balanced regulations that preserve jobs.

Introduced by Rep. John Sullivan (R-OK) and Rep. Mike Ross (D-AR), along with a bipartisan group of their colleagues, the legislation requires the U.S. Environmental Protection Agency (EPA) to re-propose three recent environmental rules directed at the Portland cement industry. Although domestic cement manufacturers are among the most highly regulated enterprises in the country, they recently faced an avalanche of new regulations. The bill addresses the National Emission Standards for Hazardous Air Pollutants (NESHAP) rule for the portland cement industry, the commercial and industrial solid waste incinerator rule and associated definition of "solid waste," and, lastly, the new source performance standards rule.

Senators John Barrasso (R-WY), Roy Blunt (R-MO), Joe Manchin (D-WV) and Mary Landrieu (D-LA) introduced a companion bill in last month.

"Passage of this legislation allows the industry to continue its dialogue with EPA with the goal of crafting rational and feasible emission standards," Brian McCarthy, president and CEO of the Portland Cement Association (PCA) said. "We are not shying away from environmental regulations. We have a long history of investing in continuous improvements that preserve U.S. manufacturing capacity and the economy."


A recent study found that one of these regulations alone—NESHAP—will force the closure of approximately 18 of the United States' nearly 100 cement manufacturing plants. The production volume lost by these closures will require cement to be sourced from other countries, thereby exporting thousands of U.S. manufacturing jobs and importing cement from countries with emissions standards much weaker than those already in place in the U.S.

According to McCarthy, the plant closures will hit areas that can least afford an economic downturn. Cement plants are often located in small towns where the plant is the tax base of the community. Not only does the community lose jobs, but also

a strong contributor of tax revenue and a key supporter of local schools, charities and activities.

In addition, plant closures would be counterproductive to improving the nation's infrastructure as well as unemployment in the construction industry.

"Disruptions to the availability of domestic cement supplies will have adverse impacts on the nation's beleaguered construction sector, which is currently suffering from an unemployment rate of nearly 20 percent," McCarthy said. "As the economy hopefully rebounds, a decrease in domestic production will require an increase in imported cement to meet demand. This could increase the costs of revitalizing the nation's waterways, bridges, highways and tunnels. We commend the House for passing legislation designed to save jobs and the economy and look forward similar support in the Senate."

The cement industry directly employs 13,000 Americans with high-wage jobs. When allied industries are considered, it accounts for nearly \$27.5 billion of the gross domestic product (GDP). 

### Canadian Ready Mixed Association Develops Blackberry, iPhone Apps

The Ready Mixed Concrete Association of Ontario (RMCAO) is developing a concrete application for Blackberry and iPhone.

The idea is to provide people in the field, contractors and consulting engineers, for example, easy access to important technical information on materials and best practice guides available on the RMCAO's website.

"We want to get information to users simply when they need it in a hurry," says Ross Monsour, the association's director of marketing. Monsour is instrumental in the application's development expected to be in place this December.

As it stands without the app in place, users have to go to the association's website and search for what they need. It can be a time-consuming process. He says the concrete app could come in handy when an engineer or contractor is on site and requires information on hot or cold-weather concreting.


"I think this tool will be accepted by our industry because we get calls all the time from our members for information," says Monsour.

"It's a very simple tool: you go to the information you want

and send it to the person you want. You won't have to punch in a password or go through a lot of steps to get access."

The app could also be used by major concrete producers to provide literature on their materials and product formulations using a similar mobile application, he says. The unique cell phone application will have other functions, including a plant locator to provide contractors with the phone number and address of a concrete plant near them.

The RMCAO's calendar of events will also be on line. The mobile app will copy the event's directly into a user's phone when downloading the app's information. The new software app is being developed by Lixar, an Ottawa-based web technology company. The association's website is being tweaked to ensure that users can easily access concrete documents through the app.

Impetus for the software application came through a Request For Information to building industry associations by the Ministry of Economic Development and Trade Ontario (MEDT). The RMCAO received a \$75,000 grant for the app's development through the government ministry. 



# VRMCA Fall Convention

The 2012 Fall Convention got off to a great start on Sunday with the evening of international flavors. VRMCA members mingled in the Halls of the Hilton Oceanfront with cocktails and tasty treats from around the world.

Our Fall golf tournament was cut short due to rain, but the skies cleared up for a wonderful afternoon reception at the Hilton's Sky Bar.



**A high member turnout combined with an informative line up of speakers set the scene for yet another great Fall convention!**

## Government to Employers “Bring Us Your Misclassified Now, or Else!”

By John G. Kruchko and  
Kevin B. McCoy

What is an independent contractor? How does being an “independent contractor” differ from being an “employee?” If you don’t know the answer to these two questions, you need to drop whatever you are doing and read on.

For many years, the federal government (through several different agencies) has threatened to start cracking down on private sector employers’ misclassification (intentional or inadvertent) of employees as independent contractors. For historical and cultural reasons too lengthy to discuss here, an erroneous stream of thought has developed among private sector businesses that an individual may be classified as either an employee or as an independent contractor (i.e., consultant, 1099 employee) at the discretion of the employer or with the agreement of the individual. That view is 100% incorrect! Whether a person is an employee or an independent contractor is dictated exclusively by the services the individual provides to the employer and the amount of control the employer exercises over the individual. In other words, no private agreement between an employer and an individual dictates how the individual will be classified. Long tired of employers’ misclassification of workers, the federal government has apparently decided to move away from simply trying to educate employers and is now looking to hammer them ... albeit with an initial opportunity to capitulate.

### What is An Independent Contractor?

Just so every one is on the same page, let’s understand who is an independent contractor and who is an employee. For starters, there are no easy generalizations. Virtually any type of worker can be either an employee or an independent contractor – the devil is in the details of each individual’s duties and practical relationship with the employer. There are two (2) widely-used tests that are



used to evaluate an individual’s classification, one each issued by the Internal Revenue Service (“IRS”) ([www.irs.gov](http://www.irs.gov)) and the U.S. Department of Labor (“DOL”) ([www.dol.gov](http://www.dol.gov)). They differ slightly in their emphasis and specifics, but the focus of both is the same and serves as useful guides for employers. For purposes of our discussion here, the following principles will provide a good basic understanding of what makes a contractor “independent:” he or she (1) has an actual separate business, including a corporate tax ID number, (2) has a physical or home office, (3) performs services for more than your company (i.e., they have several clients), (4) is paid via invoice and not via the company’s payroll, (5) does not receive benefits, such as vacation or health insurance, (6) is not reimbursed for expenses such as meals, travel, lodging, and cell phones, and (7) performs work that is not performed by other company employees. If you have individuals within your organization who are currently classified as independent contractors who do not meet most (if not all) of these requirements, then it is very likely that your organization has misclassified them and they should actually be considered employees.

You might say, so what’s the big deal? These individuals are all getting paid, right? For the federal government, the

big deal is two-fold. First, employers do not take out payroll taxes on independent contractors. Thus, if an individual is misclassified as an independent contractor, the employer has been underpaying its payroll taxes to the state and federal governments – that’s a big deal for the IRS and its state counterparts. Second, independent contractors are not entitled to overtime pay or even minimum wage. Thus, misclassified individuals might be owed unpaid overtime or have earned less than the minimum wage based on the number of hours they actually worked. This situation will land your company in hot water with the DOL and state labor agencies. In addition to unpaid taxes or back wages, there are fines, penalties, and attorneys’ fees (in the event of a lawsuit) that employers could be liable for paying.

### The IRS Launches a Voluntary Compliance Program

In an effort to encourage compliance of “misclassification” issues, in mid-September 2011, the IRS unveiled a new voluntary compliance program with regard to the misclassification of workers – appropriately termed, the Voluntary Compliance Settlement Program (“VCSP”). The new program will enable employers who bring forth misclassification issues voluntarily to resolve the matter by paying a small amount of tax



in exchange for reclassifying the affected individuals as employees going forward.

The VCSP is available to private employers, government entities, and even tax-exempt organizations that have: (1) consistently treated the individuals as independent contractors, (2) have filed all appropriate 1099 forms for the individuals for at least the past three years, and (3) are not currently the subject of an audit by the IRS, DOL, or corollary state agency regarding the misclassification of workers. Organizations wanting to take advantage of this program can apply by completing the new Form 8592, Application for Voluntary Classification Settlement Program, at least sixty (60) days before they want to begin treating the selected individuals as actual employees. The IRS is expected to offer further clarification about this program in the coming months.

### The DOL Takes a More Aggressive Approach


Also in mid-September 2011, notwithstanding the IRS' more forgiving approach, the DOL reported that it was in the process of signing agreements with state agencies to share information regarding employers who have misclassified workers as independent contractors. The DOL is also going to share this information with IRS auditors. The goal of the program is to arm state agencies with the information they need to go after employers who misclassify their workers with fines and penalties – many of which may be in addition to any fines levied by the DOL or the IRS. In addition to state minimum wage or overtime differences, employers can be liable for fines and penalties for their failure to properly collect taxes for state-

law-derived unemployment insurance and worker's compensation programs.

This announcement comes on the heels of the DOL's already robust enforcement efforts over the past few years. Since January of 2009, the DOL has secured nearly \$313 million in back wages for 517,000 workers. This new approach of notifying state agencies will undoubtedly increase the overall audits and enforcement efforts of state agencies around the country.

### The Practical Impact for Employers

There is no doubt that the federal government is serious about rectifying the misclassification of workers that has pervaded the private sector workforce for years. In fact, the IRS and DOL announced just recently that the two agencies will launch a cooperative alliance aimed directly at what the Secretary of Labor termed "the business practice of misclassifying employees...in order to avoid providing employment protections." Thus, despite their seemingly divergent approaches to addressing the problem of misclassifying workers, the two agencies seem determined to share relevant information that could lead to fines and penalties under the Internal Revenue Code, the Fair Labor Standards Act, and corollary state laws.

The takeaway for employers is simple: do a wage and hour audit now for all individuals in your organization classified as "independent contractors." Enlist the assistance of your labor counsel in this process. Determining whether an individual is an independent contractor or an employee can be a difficult decision, and is certainly one on which some expert guidance is appropriate. 

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## On the Horizon Calendar of Upcoming Events

### NOVEMBER 4, 2011

**Green Living Expo**  
9:00 AM - 5:00 PM  
Roanoke Civic Center  
Roanoke, VA

### NOVEMBER 9, 2011

**BRCAC Business Meeting**  
12 NOON - 1:30 PM  
Rowe's Family Restaurant  
Staunton, VA

### NOVEMBER 10, 2011

**NVCAC Business Meeting**  
7:30 AM - 10:00 AM  
Manassas, VA

### NOVEMBER 15-17, 2011

**ACI Concrete Field Testing Seminar and Examination\***  
Cultural Arts Center at Glen Allen  
2880 Mountain Road  
Glen Allen, VA  
\*PRE-REGISTRATION REQUIRED

### NOVEMBER 16, 2011

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

### NOVEMBER 29- DECEMBER 1, 2011

**ACI Concrete Field Testing Seminar and Examination\***  
VDOT-Harrisonburg Residency Office  
3536 North Valley Road  
Harrisonburg, VA  
\*PRE-REGISTRATION REQUIRED

### DECEMBER 6-8, 2011

**ACI Concrete Field Testing Seminar and Examination\***  
Chandler Concrete  
614 Norfolk Avenue SW  
Roanoke, VA  
\*PRE-REGISTRATION REQUIRED

Please visit the online calendar  
for an up-to-date list of events.  
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John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Kevin B. McCoy is also a Partner with the Firm. For more information, please contact Mr. Kruchko or Mr. McCoy at (703) 734-0554 or JKruchko@KruchkoandFries.com, or KMcCoy@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.



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