



# THE READY-MIXER



**NRMCA  
VISION**

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Virginia Ready-Mixed Concrete Association Newsletter

April 2009

## Fifteen Drivers Compete In The 2009 Mixer Truck Rodeo

by: Bob Nablo  
Director of Industry Services

Weather cooperated nicely, and the 2009 Truck Rodeo was successfully held at the Verona Governmental Services facility. This year the VRMCA Safety Committee, which oversees the annual event, scheduled the contest for a Saturday morning, hoping to attract the families of drivers. Fifteen drivers, representing eight member companies, competed – and several families came to share the excellent food and entertainment. Quite a few kids spent the majority of the day playing in the “Moon Bounce” – and Jay McNeely earned everyone’s undying appreciation for supervising all of them!

Steve Hobgood from Virginia Concrete Company took first place and Raymond Stump from Boxley Materials came in second. Hobgood was awarded \$500 cash and a free trip to the VRMCA Spring Convention at the Homestead Resort in Hot Springs, VA. Second place

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**Right Above: Jason Landis of the VRMCA Safety Committee congratulates Rodeo First Prize Winner Steve Hobgood of Virginia Concrete Company. Right Below: Amy Shaw found just the right Moon Bounce for future mixer drivers.**

## Stimulus Money Slowly Appearing At State Level

Nearly two months after President Obama signed the \$787 billion American Recovery and Reinvestment Act (ARRA), many are still waiting to see evidence of stimulus.

Some of the money is arriving quickly, and in big chunks. The country’s 1,100 community health clinics have received \$337 million to help them handle the surge of newly unemployed and uninsured people needing care. An additional \$155 million went to a more select group of 126 of the clinics, including \$1.3 million for the Loudoun Community Health Center, which, after opening in 2007,

has been seeing an increase in demand even though it is in an affluent area of Northern Virginia.

In most cases, though, the money is working its way into the system far more gradually as officials strive to meet not only existing guidelines for programs receiving aid but also reporting requirements that have been added to make sure that stimulus funding is spent as intended and to account for the jobs it creates.

By the end of April, \$54 billion from the package had been “obligated,” meaning that states, cities or other recipients

could begin drawing from it, and \$11.7 billion of that had been disbursed. White House officials say the bulk of the money will start hitting the streets later this year, with the goal of spending 70 percent of it by the summer of 2010.

Among those getting money out relatively fast is the Transportation Department, which was able to rely on its existing formulas to divvy up \$48 billion among states. Lana Hurdle, a deputy assistant transportation secretary, said the department has so far obligated \$6.3

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## **Support Your Pac!**

To raise money for the VRMCA PAC, we are selling mulligans for the Spring Convention golf tournament! Each player can purchase a MAXIMUM of two mulligans at only \$10 each! Buy them NOW when you register online, or bring your cash and/or checkbooks to the tournament! All proceeds from mulligan sales will go directly to our state political action committee. Company and Personal payments accepted!



Visit the Virginia Ready-Mixed Concrete Association Website at [www.vrmca.com](http://www.vrmca.com)

# Pervious Concrete Contractor Certification Course

By Hessam Nabavi  
 Director of industry Services

NVCAC/ VRMCA and MRMCA recently sponsored a Pervious Concrete Contractor Certification Course (Pervious Concrete Technician) and Hands-On Training. This was NVCAC's third attempt to offer this course since 2007. Over 20 people participated in this event. Some of the attendees were design engineers and inspectors from some of the counties in NOVA. Nearly 170 people have attended this course in Northern Virginia and over 300 people throughout the state. This shows the interest level in understanding pervious concrete that is growing among various counties.

Pervious Concrete Technician level is the first step for contractors to begin to understand how pervious concrete works. Our real goal in NVCAC is to encourage some of the pervious concrete technicians to gain enough hands-on



experience to reach the NRMCA Pervious Concrete Installer Certification level. To achieve this level the person needs to obtain the following qualifications.

1. Certified as a Pervious Concrete Technician.
2. Possess a current ACI Flatwork Finisher Certification.
3. Complete a Performance Evaluation.
4. Provide documented experience to show a minimum of 3 projects with a total area of pervious concrete placement

exceeding 10,000 SF.

For detailed information about the Three Levels of Pervious Concrete Certification, visit <http://www.nrmca.org/certifications/pervious/>.

Many thanks to the following patrons: Matt Cockerham with North Star Foundations, Tom Evans with MRMCA, John Swart with Vulcan Materials and Peter Compher (NVCAC Paving/ Pervious Committee Chairman) with Luck Stone Corporation. ❖

# Blue Ridge Council Helps With Charlottesville AIA Event

by: Bob Nablo  
 Director of Industry Services

As part of the annual Virginia Architecture Week the Blue Ridge Council helped sponsor an Insulating Concrete Forms presentation in one Charlottesville architect's offices. Architect Jeff Sties, principal architect at Sunbiosis, had called the Council and several ICF distributors asking about help with an "open house" tour of his facilities. Jeff envisioned an ICF display in, and around, the office desks – wanting to show off the design aspects of ICF rather than the

construction techniques.

Sties had already called Dave McIlwain of Creative Building Products, and Dave agreed to provide a large number of forms to create the overall design. Ren Angle of Eagle Corp. and Glen Stoltzfus of Virginia PolySteel also contributed forms that added shelves, walls and serving areas. The intent was to make the display a showplace for ICF in general, and not draw designers to one specific ICF system. More than 100 area architects and contractors visited the office, enjoying refreshments and music. Within the walls computer monitors

and architectural displays were inserted into the ICF blocks, adding to the "art" concept. McIlwain, Angle, Deb Brown of Allied Concrete and Bob Nablo attended the event to help answer the inevitable questions about ICF construction.

Architect Sties was very pleased with the event, and Central Virginia AIA members commented about how unusual and innovative the display was. Blue Ridge Council members were also impressed and pleased about the responses and the interest shown by attendees. ❖



## CVCAC Celebrates “Earth Day” With Pervious Seminar



Program Manager Don Wade with Consulting Engineer John “Jack” Paine of Magruder.

**By J. Keith Beazley,  
Director of industry Services**

The Central Virginia Concrete Advisory Council held a Pervious Seminar in Richmond on “Earth Day,” April 22, to feature the positive role concrete plays in the protection of the environment. Pervious concrete reduces storm water runoff, eliminates the need for detention ponds and other costly storm water management practices, replenishes water tables and aquifers, prevents warm and polluted water from entering streams, mitigates surface pollutants, and naturally reflects heat and light.

The Pervious Seminar was sponsored by the Paving Committee of the Council and Engineers, Contractors, Developers, and Concrete Industry members were invited for the seminar and luncheon. Folders of information were developed for the seminar with special attention to Pervious and Conventional Concrete Paving.

Magruder Construction was asked by the Committee to present the program on Pervious Concrete for the seminar. Magruder Construction promotes the use of pervious Concrete as an integral part of a storm water management tool (dual-use system) and “green-building” system. Many communities are adopting the dual-use system for their storm water management (Best Management

Practice-BMP). “Parking in the Pond” and pervious concrete pavements are the dual-use systems that are currently recognized when applying for LEED Certifications. Credit is not given for the use of the material, but only for specific applications.

The committee contacted Magruder Construction because engineers attending the seminar requested information from a contractor experienced in the application of Pervious Concrete. Magruder Construction, who installed the Prime Outlets project, assembled a team for the Richmond area to present the seminar and to help with the development of the Concrete parking program. The team from Magruder included Bruce Glaspey, General Manager of the Pervious Concrete Division. Bruce started working with pervious concrete in the early ‘80s, and is credited with inventing and perfecting many of the tools now considered standard in the industry today. Bruce directs the construction of all pervious concrete projects for Magruder throughout the United States. Don Wade, Magruder Program Manager, was also part of the presentation. Don started working with pervious concrete in the late 1970’s and organized the ACI Committee (522) on pervious concrete, and has published many articles on design and construction of pervious concrete systems. Don helps engineers

with the design and specifications for concrete paving. The third member was John “Jack” Paine a consulting engineer with Magruder. Jack has been involved in design, construction with the ready mix industry since the mid 1960’s. He has served in engineering, estimating and construction management positions throughout this career including the ACPA, Florida Concrete Association and concrete management positions.

The Paving Committee is planning to conduct a series of in-house sessions for civil engineers, the municipal engineers and the Corps of Engineers Offices in the Central Virginia area. Magruder has volunteered to act as a consultant for the design, specifications, and other information necessary to plan a project using conventional and pervious concrete. The Central Virginia Paving Committee holds monthly meetings to plan and develop strategies for concrete paving. The team approach with individual companies developing their markets has been effective and the marketing effort has developed education, marketing skills, marketing materials for parking lots, and a higher level of confidence in marketing paving development. The support and back-up of a committee to support the effort has been very beneficial to the individual companies and the Advisory Council.

The Earth Day seminar is part of the focus on marketing to the public, engineers, and architects for the benefits for concrete the Green Choice for their projects. LEED is going to be the standard for public construction and as an industry education is a key to knowing the benefits for using concrete. The Council is also a part of the James River Green Building Council. The work of the Central Virginia Paving Committee will have an impact on the market in Richmond in the future and we are already seeing progress.

Earth Day was designed to inspire awareness and appreciation for the Earth’s environment. The modern environmental movement is growing each year with increase awareness of the deterioration of the environment, pollution, loss of wilderness, extinction of wildlife, global warming and the LEED system of construction. ❖

# ACI Presents Virginia Concrete Excellence Awards

By J. Keith Beazley,  
Director of industry Services

The Virginia Concrete Excellence Awards were presented at the Virginia Concrete Conference in Richmond at the annual spring event. The awards are the result of submissions to the Virginia Chapter of the ACI and the projects are judged in three categories for superior concrete usage in the year 2008.

The Residential Award went to the Rainey Residence in Chesterfield, Virginia. The Home is owned by Mr. and Mrs. Mark Rainey. The home in the Tarrington subdivision of Midlothian blends several different architectural concrete finishes including an exposed aggregate driveway leading from the curb to the rear-load garage, two different integrally colored and stamped patios, and a long exposed aggregate sidewalk that blends into the back yard. The Contractor was River City Concrete and the Concrete Supplier was S.B. Cox Ready-Mix, Inc.

The winner of Commercial Award was Moseley Architects New Headquarters Building. The new Moseley Architects Headquarters Building is a renovation of an historic structure in

Richmond. Concrete was a key structural and aesthetic element of the project. The newly constructed second floor mezzanine is a concrete composite structure, and pervious concrete was the right solution for the exterior parking storm water management. The marquee feature of the building, however, is the highly polished and sealed ground floor slab. This is actually a topping slab over the original 90 year old industrial concrete floor. Keeping the old floor greatly reduced construction debris generated by the renovation. A concrete receptionist's desk with a concrete counter top greets visitors as they enter the front entrance. This LEED Gold project was also selected as the overall Commonwealth Award Winner by the Virginia ACI. The Architect and Structural Engineer was Mosley Architects. The General Contractor was Haley Builders and the Concrete Supplier was S.B. Cox Ready-Mix, Inc.

The third award was the Infrastructure Award for Shenandoah University's McKown Plaza. Building an outdoor plaza at the Brandt Student Center on campus in Winchester presented a challenge for storm water management. The location for this teaching and gathering spot created additional impervious area

which conflicted with the existing storm water management system. A bermed storm water pond with chain link fence was ruled out because of the additional space demand and poor aesthetics. Pervious Concrete provided the ideal design solution. Placing the buff colored pervious concrete was also a challenge because it required a belt placement truck delivering to curved segments. The plaza seamlessly blends traditional concrete, pervious concrete, and precast concrete units into a pleasing and functional space. The Design-Build Agent was H & W Construction Company, Inc. Concrete Supplier Crider and Shockey supplied the concrete to Contractor Ozark Concrete.

The Virginia Chapter of the ACI seeks projects and submissions each year to consider for the awards. The committee will consider awards for projects completed in 2009 and applications will be ready the last quarter of the year. Concrete producers and suppliers are encouraged to submit quality and unique projects for judging. This program greatly benefits our industry with recognition for special concrete usage to the public. ❖



**Winner of the Commercial Award Moseley Architects New Headquarters Building**



**Winner of the Infrastructure Award for Shenandoah University's McKown Plaza at the Brandt Student Center.**



**Virginia Ready-Mixed  
Concrete Association**

# **2009 Spring Convention Please Register Now!**



## **The Homestead Resort, Hot Springs, VA May 17-19, 2009**

**We Mean Business.** We know that in today's economy, companies are finding it harder and harder to justify the expense of sending their employees out of town to attend an annual convention. We understand that many companies are having to reduce their workforce in order to meet monthly and annual budget expectations. Dollars are tight and the amount of hours in any given day are continuing to decrease. That is why the VRMCA Spring Convention agenda is being developed for **YOU** and your **Company**.

**We Mean Business.** Our agenda includes an economists view on the state of our industry, an update on the Employee Free Choice Act and a presentation about LEED Credits and Sustainable Design. In addition, we'll hear directly from VDOT about the economic stimulus funds for Virginia and their process of "letting" for VDOT contracts. We will also hear updates from the regional councils, Safety and Technical Committees and present the annual Safety Awards.

***Register and pay online at: [www.vrmca.com](http://www.vrmca.com)***

# Call for 2009 PCA Sustainable Leadership Awards

With another Earth Day come and gone, Americans are reminded that they must continue to be steadfast in taking care of the world in which we live. Making sure that the things we construct; highways, buildings and other structures stand the test of time, save energy and reduce costs is essential to responsible development. In recognition of efforts like these, the Portland Cement Association (PCA) is extending its call for nominations for the 2009 Sustainable Leadership Awards.

Four categories will be recognized. The Leadership in Sustainability Policy Award honors public officials who advance policies that promote the concept of sustainable development by advocating for and promoting the use of concrete and cement-based products in their communities. The Homes and Residential Building, Non-Residential Building and Infrastructure awards honor public officials who utilize cement or cement-based products to achieve sustainable benefits for projects in each of these categories.

Concrete is a key ingredient of the

roads and highways, bridges and dams, schools and other public buildings and sewer and water treatment projects that make up our essential infrastructure. Concrete is also an integral component of affordable, sustainable and economically sound infrastructure construction and rehabilitation.

To heighten state and local decision makers' understanding of the importance of cement and concrete to green building, and as part of its ongoing commitment to sustainability, the Portland Cement Association (PCA) established the Sustainable Leadership Awards in 2008. This annual initiative identifies and honors government leaders who advance sustainable development in their communities through the use of concrete and cement-based products.

"There are few, if any, construction materials that offer concrete's wide range of sustainable and cost effective benefits," said PCA President and CEO Brian McCarthy. "This award recognizes government officials who share our passion for sustainability and recognize concrete's unrivaled benefits in terms of

energy efficiency, durability and ability to be recycled."

To be eligible for consideration, buildings and activities must have occurred between 1/1/07, and 12/31/08. The deadline to submit final entries is June 20, 2009. For more information and to access the nomination form, visit [www.cement.org](http://www.cement.org). ❖

## Stimulus Allocations

*(continued from page 1)*

billion, with more to come soon—states must obligate half their money within 120 days or risk having to return some of it.

Of the \$1.6 billion that has been allocated to Virginia for economic stimulus, \$694.5 million has been earmarked for highway funding. VDOT Chief of System Operations Connie Sorrell says about 20% will go to enhancements, 15% to safety, and the remaining money, approximately \$465 million, for "shovel-ready" projects, mostly repaving and bridges.

The Governor's Stimulus Working Group has sent more than 9,000 project proposals (put forward by citizens, localities, and other groups) to the Cabinet Secretaries who lead Virginia's major executive agencies for review and evaluation. Cabinet Secretaries will make recommendations to Governor Kaine regarding which projects merit stimulus-related funding. Detailed information on those projects that are chosen will be made available as the Governor completes his selection decisions.

Nationally, the balance between taking enough time to plan for the money and not delaying actual spending goes to the central tension in the legislation, which sought to jump-start the economy and also to make progress on Obama's long-term agenda. The package included \$201 billion in tax cuts, \$87 billion in Medicaid funding, \$79 billion in education funding, \$28 billion for highways, \$21 billion for food stamps, \$17 billion to computerize health records, \$11 billion to modernize the electric grid, \$17 billion for rail and public transit, and \$20 billion to increase the energy efficiency of homes and public buildings. ❖

## Cement Sustainability Initiative

The National Ready Mixed Concrete Association (NRMCA), American Concrete Institute (ACI), Portland Cement Association (PCA), Concrete Reinforcing Steel Institute, National Concrete Masonry Association and Precast/Prestressed Concrete Institute have signed a memorandum of understanding to align sustainable development activities.

"Today we are announcing a new way of thinking that will open channels of communications to involve and engage all industry segments," said Aris Papadopoulos, vice chair of PCA and chair of its Sustainable Development Committee. "It's a chance to bring together our diverse resources to focus on building sustainable housing, roads, schools and other structures."

As a group, the organizations will concentrate on the sustainable development applications of all concrete structures, which it defines as all vertical and horizontal applications and concrete products. The memorandum outlines

eight specific social values that these structures provide: resource efficiency, safety/protection, financial responsibility, operational continuity, longevity/durability, byproducts reduction, esthetics and societal connectivity.

The agreement aligns all the groups with the goal of providing advocacy, technology, and educational resources to convey the social value of concrete structures. "This agreement will allow the industry to leverage the particular strengths and expertise of each organization to pursue an integrated program on concrete structures," said Henry Batten, NRMCA chair.

"The concrete industry has reacted positively and implemented many improvements in sustainable development," said ACI president Florian Barth. "By ratifying this agreement, we not only agree to work together, but also establish that we have the same vision to share this planet responsibly." ❖

# 2009 MIXER TRUCK ROADEO



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# Vulcan

## Materials Company

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**Right Side Pull Through**

Ron Nichols (Boxley)

Bob Nablo (VRMCA)

**Parallel Park**

Keith Beazley (VRMCA)

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**Measured Right Turn & Front Bumper Stop**

Ron Collins (Titan America)

Todd Legge (Crider & Shockey)

**Straight Back Barricade**

Brad Brown (Concrete Plants)

**Pull/Back Through Serpentine**

Greg Vickers (NRMCA) &

Neil Logan (Virginia Concrete)

**Truck Inspection**

Pete Hawes (Allied Ready Mix)

George Patterson (Marshall Concrete)

**Runners**

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Gary Woolard (Titan America)

**Tallying Scores & Keeping Us Moving**

Amy Shaw (VRMCA)

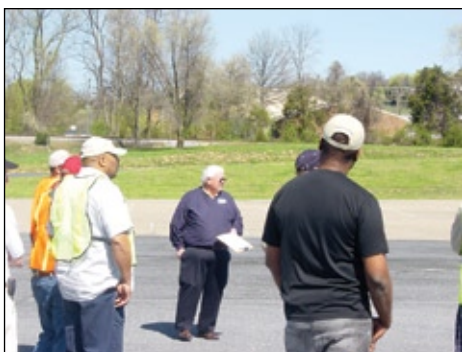


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## 2009 Mixer Roadeo

*(continued from page 1)*

winner Stump got a \$250 cash prize.

As first place winner, Hobgood qualified to compete with the best drivers from other states in NRMCA's National Mixer Driver Championship, which will be hosted in Indianapolis this fall.

The Roadeo test course is set up similarly to the event hosted by NRMCA so drivers will know what to expect.

Stations include a pre-trip inspection, checking for safety violations, parallel parking, front-first and rear-first barrier checks, and a serpentine event – which drivers must negotiate in both forward and reverse gears. There is also a brief written exam.

NRMCA's Greg Vickers attended the contest and congratulated VRMCA and the participating companies on a well-run event.

Many thanks to Gary Woolard and Jason Landes of the VRMCASafety Com-

mittee and Amy Shaw, VRMCADirector, Meeting and Convention Services for organizing the event, and to George Boykin for arranging the driving course and the station volunteers. Planning for the 2010 Roadeo will begin soon, so member companies should start thinking about entering the contest. This is an excellent opportunity to have your best drivers "show their stuff," and a great chance for families to see what their breadwinner can do! ❖



# Exposing Some Common Employment Law Myths

By John G. Kruchko and Paul M. Lusky\*

Like stories about sightings of the abominable snowman or the Loch Ness monster, certain myths about employment law just keep popping up in discussions about employee rights. The following examples demonstrate the value of getting legal advice before taking employment action based on assumptions of what the law provides.

1. If an employee is on probation, I can fire him for any reason at all.

Not true! A probationary employee is protected by most employment laws just like any other employee. For example, although an employee must work for an employer for one year before he is protected by the Family and Medical Leave Act, other laws against discrimination protect employees from day one of their employment. Thus, a probationary employee with a disability may be entitled to a leave of absence as a reasonable accommodation for his disability. Of course, protection against other kinds of discrimination, e.g., race, sex, age, national origin or religion, also apply to probationary employees so it is best to have a performance-based reason for discharging a probationary employee rather than a reason that might be demonstrated to be a pretext for discrimination.

2. As long as my secretary is paid a salary every week, she does not have to be paid overtime.

Wrong! Payment on a salary basis is only one of the requirements for the exemption from overtime. There is also a duties test - - only some positions are exempt from overtime. The most common exemptions are executive, professional or administrative positions. Thus, many secretaries will not qualify for the exemption unless they are administrative assistants who regularly exercise independent discretion with respect to matters of significance that are related to the management or general business operations of the employer.

3. Non-competition clauses are unenforceable in court.

Sometimes legal decisions out of California get too much publicity. Although California has held that provisions in employment agreements that restrict competition are void, courts in other states will enforce non-competition clauses. These clauses, which prohibit former employees from working for competitors, must be narrowly drafted, however. Courts dislike non-competition clauses and will often look for ways to restrict their application. The rules for enforcement vary from state to state but, generally, a non-competition clause will be enforced if it is reasonable in its geographic scope and reasonable as to its duration and limitation on duties.

4. An employee is entitled to a one-half hour lunch break every eight hours of work.

Federal wage and hour law does not require employers to give meal periods to

its workers. Also, neither Maryland nor Virginia require employers to provide meal breaks. In fact, at least 30 states have no laws requiring lunch breaks. However, watch out for those states - like California - that do!

5. Employees who have worked for an employer for ten years are entitled to severance pay.

No - the above statement is false. There is no law in Maryland, Virginia or the District of Columbia requiring employers to pay severance no matter how many years they have worked for an employer. Severance pay is a matter of agreement between an employer and its employees. If the employer has no severance pay policy, it need not pay severance to discharged employees.

6. Employers must abide by the rule of seniority when laying off employees.

The so-called "rule of seniority," as applied to layoffs, means that employees who were hired last by an employer must be the first to be let go when a layoff is necessary. In other words, those employees who have worked the longest for an employer should be safe from layoff because they have more seniority than employees who were hired after them. There is no law, however, requiring employers to use seniority in determining which employees should be chosen for layoff. Although years of service do provide an objective standard for layoffs and, thus, should avoid claims of discrimination, such a criterion may

*(continued on next page)*

not allow an employer to keep its best performers after a layoff. If an employee has demonstrated excellent performance but has less seniority than an employee who has performed poorly, an employer should be able to retain the better performing employee. Fortunately, the law allows such discretion for employers. Only where an employer is restricted in a collective bargaining agreement with a union to abide by the rule of seniority will an employer be forced to retain a poorly performing employee.

7. Discharged employees are entitled to a copy of their personnel file, especially if they get a lawyer.

No, this is not true. Unless the request for a copy of the personnel file is a discovery request during post-discharge litigation, an employer has no obligation to turn over a copy of the personnel file to a discharged employee, lawyer or no lawyer. Although some public employees have access to personnel files in Virginia and the District of Columbia, an employee discharged from private employment cannot force an employer to turn over a copy of the employee's personnel file, absent litigation.

8. An employer who fails to pay overtime to an employee can provide "comp time" to an employee at a later date to substitute for the overtime payment.

Under federal wage and hour law and under most state statutes, there is no such thing as "comp time". It is not a legal method for compensating employees for hours worked over 40 in a week. Overtime pay must be calculated and paid on a weekly basis. It cannot be deferred until a later date.

9. Employees who work in "right to work" states cannot be terminated at-will.

The employment-at-will rule means that an employee can be terminated for good reason, bad reason, or no reason at all. The rule is subject to many exceptions including the many statutes that protect against discrimination. Thus, although most states do nominally follow the employment-at-will rule, it is best to have a performance-based reason for the discharge of an employee.

The "right to work" statutes have nothing to do with the employment-at-will rule. Right to work states prohibit

the parties to a collective bargaining agreement from negotiating a union shop clause. Such clauses require employees to join a union within 30 days of their employment or face discharge.

These are only some of the mistaken assumptions about employment law. It is better to contact an employment lawyer before you proceed with a policy that may be based on myth rather than reality. For employers that operate in more than one state, it is even more important to check local laws before assuming a particular employment act is legal.

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# Build it with Concrete



VIRGINIA READY-MIXED CONCRETE ASSOCIATION  
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**Contributing Members:**





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*A superior product, backed by excellent customer service, the latest technology, and reliable distribution shows our commitment to serve our customers.*

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*The Smart Road bridge, at 175 feet tall, is Virginia's tallest bridge. Approximately 9,647 cubic yards of high-strength concrete were used to construct the 2,000-foot long bridge.*

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