



National Green Home Winner Features Tidewater Polysteel ICFs

By J. Keith Beazley,
Director Of Industry Services

Virginia Beach Homebuilder Chuck Miller has been awarded the 2009 Green Home of the Year by Green Builder Magazine. The award was announced at the November "Green Build Conference," held in Las Vegas. This home will be featured in the December 2009 issue of Green Builder Magazine. The Green Showcase Home, named "The Mothership," was featured in the Tidewater Builders Association Homearama at Ashville Park in Virginia Beach.

Chuck merged the practicality of green building with a traditionally gracious Virginia Georgian-style in building the Virginia Beach "Mothership." The five-bedroom, four-and-a-half-bathroom home is adorned with an all brick exterior and front and rear porches with circular stairways in a gracious southern style. The kitchen, bathrooms and laundry room are equipped with granite countertops and all of the windows throughout the entire home have marble windowsills.

The "Mothership" has a guarantee from the builder that the homeowner will not only average less than \$115 a month to heat and cool the 6,571 square foot home, but they will actually be able to sell excess energy back to the power company. "It's a much more efficient heating and cooling system," said Chuck. "People are tired of paying big energy bills."

VRMCA member Reid Pockock of Tidewater Polysteel provided the the Energy Star certified Insulated Concrete Forms for the project. The high-insulating factor of the walls conserves both heating and cooling energy better than traditional wood frame houses, reducing energy bills and allowing for the



use of smaller sized heating and cooling equipment.

Spray polyurethane foam is another green energy-saving element found in the home, which uses geo-thermal HVAC systems for a more natural form of heating and cooling. The energy savings continue with 16 photovoltaic solar panels and a meter that can spin backwards on sunny days providing a credit for electricity, decreasing the overall energy costs. Energy Star appliances, Low-E double hung windows, non-toxic paints, a conditioned crawlspace, and poly-foam insulation all contribute to the tightening of this home's building envelope and making it among the most energy efficient homes of its size. The use of tankless and solar water heaters create a quick financial return on investment.

The home also has a "grey water" recycling system, which reuses water from the home's sinks, showers, and laundry facilities to flush the toilets. This lowers both fresh water use and wastewater

flow, resulting in less strain on municipal water treatment systems.

The simulated slate roof shingles were made from recycled tire rubber. They carry a 50-year warranty, which, in effect, means the home's roof is guaranteed to last throughout the typical 30-year mortgage and far beyond.

Another special feature of note is the construction of the kitchen cabinets, composed of pine lumber from a North Carolina barn, which was over 100 years old. The recycled heart pine not only saved trees but has a glow and patina not found in new lumber.

Chuck says in the end the high cost of energy may be good for the environment. "It's raising awareness and we need to live more conservatively."

Having personally built over 75 custom homes, Chuck has always tried to incorporate green features while working with clients, from the home-designing stage through construction

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See the VRMCA Calendar of Events.
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Newest Downloads
2009 Spring Convention VDOT Presentation
2009 Spring Convention LEED Qualifying Points and Sustainable Design
2009 Spring Convention Advisory Councils Report
(All Downloads)

Welcome
Welcome to the **Virginia Ready-Mixed Concrete Association's** web site - your online source for information on ready-mixed concrete for design professionals, homeowners and managers of businesses in the industry.
Our Mission: To become the leading resource for concrete-related information and to assist our members, design professionals and homeowners by making this information easy to use and readily available.

Upcoming Events
VRMCA FALL CONVENTION
SAVE THE DATES
HILTON VIRGINIA BEACH OCEANFRONT
SEPTEMBER 20 - 22, 2009

VRMCA Spring Convention
May 17-19, 2009
PRESENTATIONS

The VRMCA Spring Convention took place on May 17-19, 2009, at The Homestead in Hot

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NVCAC Reinventing Itself for More Accountability/Productivity

by **Hessam Nabavi**
Director of Industry Services

Last October, NVCAC incoming chair Joel Woerl, of Titan America, organized a planning meeting to review our goals and plans for the upcoming year and to discuss our financial challenge.

We discussed topics such as expectations, accountability, activity, productivity, member burnout, finances, etc. This was a wide-open, brainstorming session. The main purpose of the meeting was to decide what we do well and what needs improvement. After several hours of discussion, a draft of the proposed format was developed and agreed on. The following is a brief description of the new structure for the NOVA council.

Council Meetings

Quarterly breakfast meeting from 7:30 – 10:00 am. Invitations will be extended to members and Principals of the various member companies. There will be a cost increase. A typical agenda consists of a guest speaker, committee updates, VRMCA update, financial report and future business.

NOVA Leadership Group Meetings

This group meets eight times during the year. A typical Agenda consists of a financial report, committee update, plans for quarterly council meeting and any new business.

Committee Meetings

Committee chairs conduct their committee meetings individually every month. A typical agenda consists of an update, review of goals and action plan, and plan for moving forward.

NOVA Leadership Group consists of the following people who have contributed to the thought process for NVCAC New Vision:

Joel Woerl w/ Titan America
 2010 Council Chairman

Jeff Slagle w/ Rowe Materials
 2010 Vice Chairman

Kevin Terry w/ Virginia Conc.
 2009 Council Chairman

Mark Granahan w/ Lehigh Cement
 2010 Educational Committee Chairman

Tony Thompson w/ Virginia Conc.
 2010 Commercial Committee Chairman

Bill McNamara w/ EsRock
 2010 Residential Committee Chairman

James Murray w/ Rowe Materials
 2010 Paving Committee Chairman

Sean Murnane w/ Virginia Conc.
 2010 Secretary Treasure

Duane Laughlin w/ Crider & Shockey
 Advisor to the Group

Hessam Nabavi w/ VRMCA
 Director of Industry Services

A follow up meeting in early December finalized the committee goals and some potential ideas for creating additional income for NOVA council.

Joel believes that this is a very effective “Small Group” approach to create more involvement, more accountability, and more results.

Every meeting’s agenda, notes, and attendance, whether it is a Committee Meeting, NOVA Leadership Group Meeting or Council Meeting, will be reported to VRMCA to be distributed via email.

Following are a few comments from the members of the NOVA Leadership Group:

“In these challenging times for our industry, it is of utmost importance that we continue our promotional efforts. The new NVCAC structure affords the opportunity to most effectively use our time, energy and limited financial resources. I urge each member of NVCAC to consider promotion of our industry an integral part of their job responsibility.”

- Duane Laughlin



2010 NOVA Leadership Group, left to right, Duane Laughlin, Marc Granahan, Joel Woerl, Sean Murnane, Kevin Terry, James Murray, Jeff Slagle, Tony Thompson & Bill McNamara.

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NVCAC Changes

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"I've been asked to chair the Residential Paving Committee for two years and I think the new structure will let NVCAC accomplish more promoting than ever before. The new approach I believe will keep all the committees focused on achieving 2-3 specific goals instead of trying to do more than what we can."

- Bill McNamara

"I am very excited about our decision to place a greater emphasis on smaller committee teams. I have always believed that much more can be accomplished when a small group of people who are accountable to each other work toward a common goal. Our greatest successes have come from the efforts of 4-5 people working together to get the job done. Unfortunately too often in the past, the workload has fallen on the shoulders of the committee chair. One of my goals was to avoid that situation by developing committee teams to meet and work outside our monthly council meetings. We saw some early success with those teams; however with the downturn in the economy, it became increasingly difficult for members to support both the monthly council meetings and their individual committee meetings. The new schedule that we have adopted should easily allow members to focus their support on a chosen committee."

- Kevin Terry



2010 Council Chairman, Joel Woerl

"As a newcomer to the Northern Virginia market, I really was not surprised to see that this area continues to battle the same issues I have been intimately involved with in Maryland over the past 15 years. The basic formula that has been adhered to over the past years has netted very few if any victories or successes. I am extremely optimistic of the new format and goals that have been adopted by the NVCAC for the 2010 year. In my history I have not seen a more committed group that was willing to put in the time to not only follow "what we always do" but to brainstorm "out of the box" alternatives that should make some inroads as to how we change the face of concrete promotion in Northern Virginia."

- Jeff Slagle

"It is my belief and vision for NVCAC to continue to be effective we needed to adopt a new structure. The active membership has grown to a point that the larger setting was beginning to lower the promotional effectiveness and membership participation. The concept behind the changes is to create more participation and accountability through smaller groups. The 2010 "Leadership Group" has conducted two 4-hour "Planning Sessions." The meetings have been completely round table, and have been very creative in thought and effective in preparation of 2010. The membership is very excited as well as the "Leadership Group" with the upcoming year and beyond."

- Joel Woerl

For coverage in future issues, please send announcements/press releases and accompanying photographs to derek.breen@easterassociates.com or mail to:



**VRMCA Newsletter
600 Peter Jefferson Parkway, Suite 300
Charlottesville, VA 22911**

Submissions may be edited for length. Inclusion is not guaranteed and may be excluded due to space.

EPA's Energy Star Buildings Mark a Decade of Savings

Ten years ago, EPA unveiled a ground-breaking development in energy efficiency for the commercial marketplace – the first Energy Star building. Since 1999, Energy Star partners in the commercial marketplace have helped prevent nearly 120 million metric tons of carbon dioxide equivalent, equal to the emissions from the annual electricity use of more than 60 million American homes.

"The Energy Star story is one of eliminating barriers, driving demand, and delivering excellence," said Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation. "EPA is proud to celebrate a decade of Energy Star buildings in communities across America that play an important role in fighting global warming, improving energy efficiency, and saving money."

To celebrate this important decade milestone, EPA is releasing the publica-

tion, *Celebrating a Decade of Energy Star Buildings*, which tells the history behind the Energy Star program and its development into a leading energy efficiency brand in the commercial marketplace. Buildings highlighted demonstrate the diversity of types of Energy Star buildings, including:

- The oldest building to earn the Energy Star: Cambridge Savings Bank in Cambridge, Mass.
- The tallest building to earn the Energy Star: Aon Center in Chicago
- The largest building to earn the Energy Star: USAA McDermott Building in San Antonio, Texas
- The first building to earn the Energy Star: Ridgehaven Green Building in San Diego, Calif.

Several buildings with notable tenants are also listed, including Amazon.com in Seattle, Wash.; National Geographic Society in Washington, D.C.;

and MTV in Santa Monica, Calif. Finally, a selection of case studies chronicles how the energy efficiency of different buildings improved with help from Energy Star.

The Energy Star is available for 13 types of commercial buildings, including retail stores, hotels, schools, supermarkets and more. Nearly 9,000 buildings across the nation have earned the Energy Star for superior energy efficiency over the past decade and the numbers continue to climb daily. Energy Star buildings typically use 35 percent less energy and emit 35 percent less carbon dioxide into the atmosphere than average buildings.

To obtain the publication and to learn more about the Energy Star Commercial and Industrial Program, visit their website: <http://www.energystar.gov>.



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Green Home Winner

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completion.

In 2006, when Earth Craft announced that it was coming to Tidewater during the summer of 2007, Chuck drove to Charlottesville to get his certification and to become the first Earth Craft Builder in Tidewater. Chuck has remained committed to building green houses which help

preserve and protect not only the environment, but his customers as well.

The "Mothership's" green building and energy-saving features set an example for other homebuilders to follow. Environmentally friendly homes, educational buildings, and commercial development will surely be an integral part of the future in building construction. Congratulations to Builder Chuck Miller on his innovative design and award for this very special home in Vir-

ginia Beach. Our industry is proud to be a part of this new level of building and protection of the environment.

For more photographs of the "Mothership" and videos of Chuck Miller narration and the VRMCA Cannon Demonstration the web site address is: www.millercustomhomesonline.com/mothership/. You can also read the GreenBuilder Magazine article at www.greenbuildermag.com. ❖

VRMCA Thanks All of Our 2009 ACI Class Volunteers

For over 25 years, the VRMCA has sponsored ACI Field Technician Testing classes. Students attend the seminar in the first two days and take their written exam and practical exam on the third day.

VRMCA still relies on volunteer help from Association members. "It takes ten to twenty volunteers to give the exam," says George Boykin. "They come from VRMCA's supplier and producer members and VDOT. Sometimes it can take a bit of arm-twisting to get enough for each class."

VRMCA could not offer these important classes without our volunteers, so we urge you to take solicitation letters for field-testing support seriously.

Meanwhile, we want to take this opportunity to thank everyone who has volunteered this year to ensure the continued success of our program. We couldn't have done it without you!



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Davis Presents Decorative Concrete Seminar for Contractors

by Bob Nablo
Director of Industry Services

The Southwest VA Advisory Council recently sponsored a seminar on Decorative Concrete presented by Sammy Davis of Grace. Council members had decided that this seminar should target concrete contractors specifically, with the intent showing them not just “how to” install colored, patterned concrete, but “how to make money” with this value-added product. Sammy Davis did an excellent job of tailoring his presentation to address this particular topic, generating much discussion about local materials, installation techniques and customer preferences.

After having sponsored several stamped and colored concrete seminars and demonstrations over the years, Council members felt that in this very difficult economy we could help concrete contractors—and ready mixed producers—by showing them specific ways they could increase business and profits with decorative concrete. Davis showed comparative studies for “plain” concrete and colored concrete that made contractors



realize labor costs for the two products are similar, but that some small changes could increase name recognition, sales and profits. Contractors present shared some of the ways they currently market and install flatwork, and interesting discussions resulted.

Council members were very impressed with the presentation, feeling that it precisely targeted installers and their current concerns. The intent is to replicate this presentation in other parts of the Council area, and we thank Sammy Davis for his fine work. ❖

ACI Spring Convention To Highlight “Xtreme Concrete”

The American Concrete Institute’s (ACI) Spring 2010 Convention will take place March 21-25, 2010 in Chicago, Ill., USA, at the Sheraton Chicago.

Engineers, architects, contractors, educators, manufacturers, and material representatives from all over the world will assemble at the ACI Spring 2010 Convention to provide input on concrete industry codes, specifications and guides throughout the 300+ committee meetings and 35+ technical sessions offered. In addition, attendees will participate in technical tours, forums discussing pertinent industry topics, student competitions, networking events, and events celebrating career and industry achievements.

A forum on the reclassification of fly ash as a hazardous material will prepare attendees to make an assessment on whether the reclassification of fly ash as

a hazardous waste is a step forward or backward. The forum, coordinated by ACI Committee 123, will outline what implications the reclassification of fly ash will have on advances the concrete industry has made towards a sustainable concrete construction.

The convention will host special events celebrating the career achievements of ACI Past President Anthony E. Fiorato and the retirement of ACI Executive Vice President, William R. Tolley. Other networking events, including the Women in ACI Reception sponsored by the Society of Women Engineers, Student and Young Professional Networking Reception, and a Blues themed Concrete Mixer, will be held throughout the convention.

Several technical tours are scheduled to coincide with the convention’s Xtreme Concrete theme and emphasize

Chicago’s extreme architecture and concrete projects. Most notably, a tour of the Metropolitan Water Reclamation District will walk attendees through the ongoing \$228 million upgrade of the MWRD facilities, \$90 million of which is cast-in-place concrete structures.

Convention attendees who register by Feb. 22, 2010 will receive reduced registration rates. In addition, the Sheraton Chicago is offering convention attendees a special rate for rooms. Room rates are based on availability.

For more information on the ACI Spring 2010 Convention, please call 248-848-3795 or visit www.aciconvention.org. ❖



Members Participate in Fall 2009 Virginia Tech Career Fair

by **Bob Nablo**
 Director of Industry Services

Once again, VRMCA members attended the Virginia Tech Career Fair for Building Construction students, focusing on summer internships and 2010 graduates. Overall attendance by employers was slightly down, but participation by Association members was actually higher than in recent years—perhaps in response to the growing demand for

these educated, experienced students.

While the VRMCA once again had a display at the event, member companies such as Chandler Concrete, Titan America and Branscome Inc. were also represented. This is always a popular event, giving employers an excellent opportunity to talk with students and faculty members, and Virginia Tech fully supports the career fair. Faculty members and Building Construction staff are readily available for questions and

discussion, and the students are made available for any employer requesting interviews. There is also a reception at the end of the first day, giving the chance for more informal discussion.

There will be another Career Fair in the spring, specifically for graduating students. If you have interest in attending that event please contact VRMCA or Virginia Tech for more information. ❖

Representatives from member companies interviewing students at the 2009 Virginia Tech Career Fair.





EMPLOYMENT DISCRIMINATION UPDATE: New Claims, Theories, and Sources of Liability for Employers

By John G. Kruchko and
Kevin B. McCoy*

With winter afoot, our annual season for giving has officially begun. Giving to others this time of year usually involves sweaters and ties, cookies and cakes, or watches and earrings. However, courts and governments are “people too,” and they are not to be left out of the holiday festivities. So in order to share their holiday spirit, several have decided to give their own “gift” to employees who decide to sue their employers for unlawful discrimination. For those who follow this area of the law, it will come as no shock that new and better ways for employees to sue their employers continue to emerge. The source and theories underlying these new claims may, however, come as some surprise – although not the kind of surprise you might prefer at this time of year.

“Associational Discrimination” -- What is it and Why Should You Care?

Federal statutes like Title VII of the Civil Rights Act of 1964 (“Title VII”),

the Americans with Disabilities Act (“ADA”), the Age Discrimination in Employment Act (“ADEA”) and others all protect from discrimination employees who possess certain personal characteristics (i.e., a particular race, religion, age, disability, etc.). A key component of all these statutes is that protection extends to the individual bearing the protected characteristic. For example, a female employee would qualify for protection under Title VII, but the individual’s father (who is not female) is not protected from discrimination. That distinction is changing. Enter: Associational Discrimination.

If being a member of a protected class were analogized to smoking a cigarette, associational discrimination might be analogized to “second hand smoke.” Associational discrimination, at base, is employment discrimination against an individual who is not in a protected class, but who associates with an individual who is in a protected class. For example, if John, a 30 year-old white male, was married to an African-American woman, the theory of associational discrimination would prevent John’s

employer from firing him because his wife is in a protected category.

This theory may seem a bit strange, but it is gaining traction with the EEOC. In 2009, the EEOC settled several associational discrimination claims – one for upwards of \$500,000. In that case, Caucasian employees were harassed and branded as “race traitors” by their supervisors because the employees had friends and family members who were African-American.

While the EEOC is understandably at the forefront of prosecuting new theories of discrimination, federal courts around the country are also starting to give credence to associational discrimination claims. In New York, for example, the Second Circuit Court of Appeals recently recognized the viability of a discrimination claim involving a Caucasian basketball coach who was allegedly fired because he married an African-American woman. The claim was viable, according to this court, because discrimination against the Caucasian coach was really discrimination against him because of his race (not his wife’s). Ostensibly, had

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the coach been African-American, he would not have been fired for marrying someone of his own race.

In another case, a federal court in the Sixth Circuit recognized an associational discrimination claim where a Caucasian woman was being harassed at work because she was friends with and advocated for African-American co-workers. The harassment against the Caucasian employee included such things as racially-tinged jokes, racial slurs, graffiti, and being snubbed by other Caucasian co-workers. The court cautioned that such harassment, when it is targeted to a specific individual because of that person's association with a person in a protected category will violate federal civil rights laws and subject an employer to liability for discrimination.

Another form of associational discrimination that is taking shape in the courts stems from association with people who are disabled. Specifically, the issue often arises in the context of health insurance costs. The Seventh Circuit Court of Appeals, in Chicago, recently overruled a grant of summary judgment in favor of the employer and sent the case back for a trial where the employer fired a female employee because her spouse was disabled under the ADA and was costing the company a good deal of money as a participant in the company's health insurance plan.

This overall trend toward recognizing the viability of associational discrimination claims should serve as a cautionary reminder to employers about the ever-changing landscape of employment law. The best way to stay abreast of the changes is to frequently update applicable handbooks and policies and to train managers and supervisors on emerging theories of employment discrimination.

Employers' Liability from Discriminatory Acts of Independent Recruiters

In today's market, recruiting talented employees has become an industry unto itself. Most companies, to varying degrees, outsource their recruiting efforts. Some use independent recruiting firms for all hiring needs, while other companies use recruiters for selected,

higher-level positions. Regardless of the frequency of use, employers need to be aware that their outside recruiters can subject them to liability under federal discrimination statutes. A recent case out of the Second Circuit Court of Appeals in New York illustrates the point.

A Manhattan apartment leasing company hired a recruiter to find a new sales associate for the company. Unbeknownst to the leasing company, the independent recruiter allegedly told one of the interviewed candidates that he was too old for the position, and the candidate sued the apartment leasing company for age discrimination under the ADEA. The company contended it did not act unlawfully, as the recruiter (and not the company) made the age-based hiring decision. However, the court rejected the company's interpretation, finding that the ADEA's language lays the responsibility for discriminatory hiring practices squarely at the feet of the employer. However, the key to liability in this case was the fact that the recruiter had either actual or apparent authority to make hiring decisions for the employer – i.e., the recruiter was deemed to be an "agent" of the employer.

Tips to avoid this type of liability include carefully vetting independent recruiters, making sure they understand proper hiring and interview EEO practices, and asking about the recruiter's past training with regards to federal EEO laws. In addition, if your company does not want to give hiring authority to the recruiter, make sure that both the recruiter and the job candidates are aware that actual authority to make hiring decisions rests with the company, not the recruiter.

D.C.'s Human Rights Act Covers Non-District Employees

The District of Columbia Human Rights Act ("DCHRA") provides broad employment discrimination protection for a broad class of individuals – much broader than federal civil rights statutes and most other states' statutes. The DCHRA prohibits discrimination based on a person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation or political affili-

ation. Now, the D.C. courts are pushing the DCHRA's broad protections beyond D.C.'s geographical borders.

In *Monteilh v AFSCME, AFL-CIO*, an employee working in California and Georgia sued his employer for race and sex-based employment discrimination in a D.C. court, pursuant to the provisions of the DCHRA. The employee had never worked in or applied for a position in D.C. However, the employer is headquartered in D.C. and the challenged employment decision was made at the employer's corporate offices in the District. The D.C. Court of Appeals found the contacts with the District sufficient to invoke the DCHRA anti-discrimination provisions and to subject the claim to the jurisdiction of the D.C. courts.

While the full ramifications of this decision are yet to be determined, the implications for employers are troubling. Under the court's rationale, if employees who have never worked in the District are protected by DCHRA's anti-discrimination laws, then clearly the statute should also protect employees who regularly or even sporadically work in D.C. for an employer who is headquartered in another state.

Accordingly, all employers who are headquartered, have an office, or occasionally send employees into the District for business purposes need to be fully apprized of the expansive anti-discrimination protections afforded by the DCHRA and take appropriate steps to bring their policies and practices into compliance. Unlike federal discrimination statutes, DCHRA has no damages cap and provides aggrieved employees with an immediate choice to proceed to court rather than going through the standard administrative agency complaint process.

If you have any questions about whether your company's policies or practices might subject it to liability under D.C.'s anti-discrimination statutes, we strongly advise you to consult your Labor and Employment counsel for further guidance and compliance assistance. ❖

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