



VRMCA Members Call On Representative Goodlatte

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

On June 15, VRMCA Executive Director Doug Easter led a group of Association members to call on U.S. Congressman Bob Goodlatte in his Roanoke offices to discuss the Employee Free Choice Act and Cap and Trade provisions of bills currently under review by congressional committees.

Goodlatte, who represents the 6th District of Virginia, echoed comments made by John Kruchko at the VRMCA Spring Conference, saying compromise

bills were almost certain to pass if they came to a Senate vote. He strongly suggested VRMCA members write to Senators Mark Warner and James Webb asking that these bills not be voted out of committee and presented to the full Senate. Goodlatte expressed that he fully supports the position that the elimination of a secret ballot would set a very poor precedent for industry and labor union negotiations.

The discussion included VRMCA Members Hill Felton (Felton Bros. Transit Mix), Bobby O'Brian and Jason Landes (Lynchburg Ready Mix), Frank Caldwell

(Chandler Concrete), Kevin Baird (Titan America) and Horace Thomas (Salem Ready Mix). Jonathan Williams and Bob Nablo also represented the Association.

Thanks to Rep. Goodlatte for giving VRMCA his time, and to Association members for spending part of their busy day to discuss this very important issue. Doug noted that visits of this type can make a big impression on legislators; if personal visits are impossible, the next best thing is to write a letter to your Senator or Representative clearly stating your position. ❖

City Of Williamsburg Embraces Pervious Concrete

By **J. Keith Beazley**
Director of Industry Services

Stephen R. Martin, the City Engineer of Williamsburg, recently described the usage of Pervious Concrete as a tool in the city's Stormwater Management plan. "When the city of Williamsburg decided to enlarge Kiwanis Park to accommodate the rapidly expanding girls/ladies softball leagues, the adjacent neighborhood expressed concerns about the increased runoff that would come from the enlarged parking lot," said Martin. "Rather than clear a forested area adjacent to the subdivision for a stormwater detention pond, our solution was to utilize porous concrete pavement for the parking areas. This is the first application of this Low Impact Development (LID) stormwater control within the city, and we are pleased with the results to date. The contrast of the drive aisle to the light grey parking bays is very attractive and the porous concrete sucks up runoff like a sponge."

(continued on page 4)



From left to right: Stephen Martin, P.E., City Engineer, City of Williamsburg, Phil Sabo, General Manager of Branscome, Andy Mckown, General Superintendent of David Nice General Contractor, Jack Kowalski, Quality Control Manager of Branscome, and Rick Hite, Concrete Contractor for Rick Hite Concrete.

2009 VRMCA OFFICERS AND DIRECTORS

PRESIDENT

Morgan Nelson
S.B. Cox Ready-Mix, Inc.

VICE PRESIDENT

Larry Bullock
Boxley

SECRETARY/TREASURER

Bob Chandler
Chandler Concrete of Virginia, Inc.

EXECUTIVE DIRECTOR

Douglas Easter
Easter Associates, Inc.

PAST PRESIDENT

Diggs Bishop
Cardinal-Virginia Concrete Co.

DIRECTORS

Jim Simons
Capital Concrete Inc.

Terence Crispell
Lehigh Cement Company

Robert Swope
Swope & Associates Inc.

Genevieve Switzer
T&W Block Inc.

Michael Van Sickle
Branscome, Inc.

D. Hill Felton, Jr.
Felton Brothers Transit Mix, Inc.

Dan Joyner
TCS Materials Corporation

Tyler Johnson
Rappahannock Concrete Corp.

Robert Sells
Titan Virginia Ready-Mix LLC

Jay McNeely
Eagle Corporation

2009 VRMCA ADVISORY COUNCIL REGIONALS

Larry Bullock
VRMCA Advisory Council Chairman
Boxley
Roanoke, VA
Phone: 540-777-7600
lbullock@boxley.com

BLUE RIDGE

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

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

HAMPTON ROADS

Bill Denison
Chairman
Titan Virginia Ready-Mix
Norfolk, VA
Phone: 757-533-7164
wdenison@titanamerica.com

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

NORTHERN VIRGINIA

Kevin Terry
Chairman
Virginia Concrete Company
Springfield, VA
Phone: 703-354-7100
terryk@vmcmail.com

Sean Murnane
Secretary/Treasurer
Grace
Spotsylvania, VA
Phone: 540-273-7607
sean.murnane@grace.com

RICHMOND/CENTRAL VIRGINIA

Wayne Bracey
Chairman
Ready Mixed Concrete Co.
Richmond, VA
Phone: 804-355-7851
Wayne.Bracey@rmcc.com

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

SOUTHWEST

Frank Caldwell
Chair
Chandler Concrete of Virginia, Inc.
Roanoke, VA
Phone: 540-345-3846
frank.caldwell@chandlerconcrete.com

George Kuhn
Secretary/Treasurer
Marshall Concrete Products
Christiansburg, VA
Phone: 540-382-1734
gkuhn@marshallconcrete.com

Visit the Virginia Ready-Mixed Concrete Association Website at www.vrmca.com

Building Green with Concrete Workshop Targets Decision Makers

by Hessam Nabavi,
Director of Industry Services

On June 4th, VRMCA/NVCAC in partnership with Wetland Studies and Solutions Inc. (WSSI) hosted an all day workshop, "Building Green with Concrete," in the office of WSSI. This was a unique workshop designed to target the decision makers in the private and public sectors to educate them about the sustainability and green value of concrete. It was a well-rounded workshop covering a variety of topics such as Sustainability on the Micro Level, Cementitious Materials, Tilt-Up Concrete, Insulating Concrete Forms and Concrete Paving.

Vera Novak, LEED AP, Director of Marketing and Technical Services for Insulating Concrete Forms Association, spoke two times during the workshop. Her first segment focused on dissecting sustainability from a much larger scale, rather than any specific products or rating systems. Then in her second talk, Vera specifically covered ICF and its sustainable values.

Julie Buffenbarger, LEED AP, Engineering and Architectural Sales Specialist for Lafarge Cement. Julie spoke about Cementitious Materials, Supplemental Cementitious Materials, emerging sustainable technologies, etc.

Chris Harris, LEED AP, Project Manager for McIntyre Construction, talked about Tilt-Up Concrete Construction, the planning, the process, financial benefits and its sustainable values.

Phil Kresge, Senior National Resource Director for National Ready Mixed Concrete Association, spoke about Durability and Sustainability of Concrete Paving. He compared asphalt and concrete and talked about pervious concrete.

The Building Green with Concrete Workshop was well received with over 100 architects, engineers, county officials, owners, developers and some members in attendance.

For the finale, we offered a tour of WSSI since the building is Green and LEED Gold Certified. Needless to say the building is a tilt-up concrete building and there are over 14,000 square feet of pervious concrete in the parking lot.

VRMCA/NVCAC are very thankful



From left, Bill McNamara, Art Nettle, Hank Keiper and Mark Granahan at Building Green with Concrete Workshop.



Bill Nell is giving the tour at Building Green with Concrete Workshop.

for all the assistance and support from Mr. Michael Rolband, president of WSSI, and the WSSI staff. We would also like to thank the NVCAC Educational Commit-

tee for their assistance throughout.

All the presentations of this workshop are available in PDF format for viewing online at www.vrmca.com. ❖

Williamsburg Pervious

(continued from page 1)

The city recently approved and has begun construction on City Green, a mixed-use development which will use porous concrete pavement and a rain tank for irrigation. "We are also considering the use of porous concrete in the parking lot of our planned Municipal Building expansion," said Martin. "We think that there is a bright future for porous concrete pavement as a LID method for parking lots."

The Kiwanis Park Renovation project for Williamsburg was a major renovation for the 40-year facility. The renovation called for demolition of all facilities, excluding the tennis courts, basketball court, and playground. New construction will include a cloverleaf-shaped softball complex with three new fields, concession and restrooms, and a new parking lot with Pervious Concrete.

Mike Schuster, Project Manager of David Nice Builders of Williamsburg, was pleased the General Contractor was able to incorporate "Green Building" designs into the renovation of the Kiwanis City Park. Mike talked about "using Pervious Concrete in conjuncture with the use of bio-swailes for stormwater management, which met the goals for Green Building design and helped in the protection of the Chesapeake Bay by reducing the quantity of water as well as improving the quality of the water leaving the site."

Richard D. Hite, Jr, of Richard Hite Concrete, installed the approximately 15,000 square feet of 6 inch thick Pervious Concrete. Hite said the work was completed in the course of 7 business days. "The key to the success of the project was



coordination with the project team consisting of the concrete supplier, Branscome, Inc., and their consultant, Bob Swope," said Hite. "Together we were able to deliver a product that exceeded all of the owner's expectations."

David Nice Builders placed the Pervious Concrete over the top of 18 inches of coarse stone, creating a catch basin for stormwater under the parking lot. Stormwater will be flowing through the Pervious Concrete and stone and then seeping back into the soil for the added benefit of eliminating the need of a retention pond, along with the risk that goes along with having an unguarded pool of water in an area where children are known to frequent and play.

"The Kiwanis Park project is the largest Pervious Concrete job that the Branscome Concrete has supplied to date," said Phil Sabo, General Manager of Branscome Concrete. "There was a learning curve involved for everyone,

but with the help of Bob Swope, of Swope & Associates, in the mix design and Rick Hite, of Richard Hite Concrete, who placed the concrete, the project turned out to be great for everyone involved. Strengths and permeability were early concerns, but all of the test data proved that the mix met both standards. Branscome Concrete is extremely excited with all the possibilities that pervious holds in terms of paving and stormwater management. The company is already starting another pervious project with Rick Hite in James City County."

The Commonwealths of Virginia and Maryland have extended the Chesapeake Bay Act requirements in the spring of 2009. The increased requirements for controlling stormwater runoff along with growing interest in "Green Building" should further the adoption of Ready-Mixed Industry Pervious Concrete. As an industry, we must be ready to meet this need. ❖

VDOT Announces a New Traffic Control Requirement

Beginning July 1, the Virginia Department of Transportation (VDOT) will initiate a new traffic control requirement affecting land use permit applicants.

All land use permit applicants will be required to provide at least one person verified by VDOT in basic work zone traffic control for all activities involving

installation, maintenance or removal of work zone traffic control devices within state maintained right of way.

Work zone traffic control devices are items such as traffic barrels, cones and signs, and even larger operations such as lane closures.

"The new requirement will ensure

permitted activities are completed in a safe manner, both for the traveling public and for workers," said Keith Goodrich, statewide land use permit coordinator.

You can find more information about the required work zone training at www.virginiadot.org/business/trafficing-WZS.asp. ❖

Commonwealth Achieves Next Stimulus Funding Milestone

The Federal Highway Administration has notified the Commonwealth of Virginia that the required milestone of obligating 50 percent of the discretionary stimulus funding was achieved well before the June 29, 2009, deadline. The Commonwealth Transportation Board (CTB), Virginia Department of Transportation (VDOT), and the Department of Rail and Public Transportation (DRPT) can now invest \$287 million of

\$576.6 million in discretionary funding for transportation projects statewide as required by the American Recovery and Reinvestment Act (ARRA).

VDOT has advertised \$246 million in projects and has awarded \$81 million in projects.

"We have worked hard with our partners to identify eligible projects and balance speed with due diligence to reach this point," said David S. Ekern,

P.E., VDOT commissioner.

"Virginia's priorities have focused on meeting the basic needs of our transportation system -- transit equipment and bus replacements, structurally deficient bridges and pavements, and economic development," added Charles Badger, DRPT director.

ARRA transportation project information can be found at www.stimulus.virginia.gov. ❖

ACI Foundation Invites Fellowship and Scholarship Applications

The ACI Foundation, a wholly-owned and non-profit subsidiary of the American Concrete Institute (ACI), announces the opening of its student Fellowship and Scholarship program for the 2010-2011 academic year.

This year, the ACI Foundation is offering eight Fellowships for undergraduate and graduate students and five Scholarships for graduate students studying concrete, through funds from both private and corporate donors. Applicants must study at a U.S. or Canadian university during the award year. The application process is open through October 30, 2009.

ACI Foundation Fellowships range from \$7,000 to \$10,000, and are awarded to high-potential undergraduate and graduate students who are studying engineering, construction management, or other related fields of study in the area of concrete. Fellowship applicants must be nominated by a faculty member who is also an ACI member. Those students receiving Fellowships also receive paid travel and registration to two ACI Conventions, assignment to an industry mentor, and a summer internship, in some cases.

Available Fellowships include the ACI Presidents' Fellowship, ACI Baker Student Fellowship (two awards), ACI Elmer Baker Student Fellowship, ACI Richard N. White Student Fellowship, ACI BASF Construction Chemicals

Student Fellowship, ACI Cagley ACI Student Fellowship, and ACI Charles Pankow Foundation ACI Student Fellowship.

ACI Foundation Scholarships, in the amount of \$3,000, are awarded to graduate students studying concrete-related subjects. Available Scholarships include the ACI W.R. Grace Scholarship, ACI Scholarship, Kumar Mehta Scholarship, ACI Bertold E. Weinberg Scholarship, and Katharine and Bryant Mather Scholarship.

"With the continued support of many private and corporate donors to the ACI Foundation's Fellowship and Scholarship program, we are again able to offer these awards to the hard-working students currently studying for a career in concrete," said Debby Orsak, chair of the ACI Foundation's Scholarship Council. "We recognize that the students who apply for and receive these awards are the future of the industry, and we are pleased to provide them with the additional means to excel in their studies."

More information, including application requirements, instructions, tips for student applicants, and information for educators can be found online at www.scholarships.concrete.org. If you are interested in helping to fund future student ACI Foundation Fellowships and Scholarships, please visit www.ACIFoundation.org. ❖

Upcoming Blue Ridge and Southwest Council Events

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

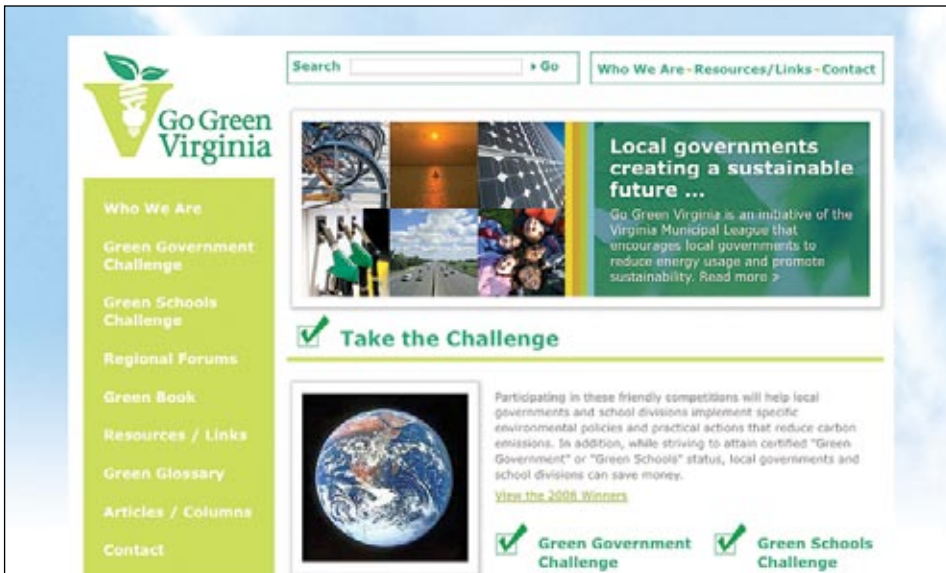
Even in difficult economic times promotion must continue, so with this in mind the Blue Ridge and Southwest Virginia Councils are planning events for this summer and fall—with the requirement that these events must be self-supporting.

The Blue Ridge Council tries to co-sponsor two seminars annually with the Virginia Chapter of ACI. With the spring event successfully completed, Council members are now looking toward a fall event. Additionally, the Council now tries to have a brief self-education presentation at each of its lunch meetings.

Southwest Council members have scheduled their annual picnic/baseball game at Salem Memorial Stadium for July 16. VRMCA members and guests are welcome, and should contact George Kuhn for more information—call 540-382-1734 or send email to george.kuhn@chandlerconcrete.com.

The Council is also looking at hosting a seminar/golf outing in the Lynchburg area and is planning a fall seminar jointly with the Virginia Chapter of ACI. ❖

Governor Signs Executive Order to Improve Energy Efficiency and Reduce Environmental Impact of State Government



Earlier this month Governor Timothy M. Kaine issued Executive Order 82, which will significantly expand efforts to reduce the energy and environmental impact of executive branch agencies and institutions. As part of the Governor's Renew Virginia initiative, this policy promotes energy and water efficient buildings, encourages reductions in travel and commuting, and will minimize the use of disposable materials.

"Virginians are blessed to inhabit a state with tremendous natural beauty and abundant resources that support our economy," Governor Kaine said. "Because the Commonwealth's business operation is so large, any action we take to reduce our environmental impact will have a significant effect. I am hopeful that by reducing the environmental impact of government operations, the Commonwealth can inspire private businesses and individuals to adopt similar measures."

Green Commonwealth Challenge

As part of the Executive Order, Governor Kaine also issued the "Green Commonwealth Challenge" to engage the state workforce in the greening of government. Agencies and institutions that choose to participate will report to the Secretary of Natural Resources information such as the following for the period of June 15 through November 15, 2009:

- The number of in-person meetings avoided through the use of video conferences or conference calls, as well as an estimate of travel miles avoided
- The number of different materials included in the agency's recycling program
- Electricity bills for the months of July, August and September of 2008, as well as the months of July, August and September 2009

The Secretary of Natural Resources will develop a scoring system and provide guidelines for participating agencies, compile all the reports received by December 1, 2009, and announce the three highest-scoring agencies by December 15, 2009.

State employees are also invited to submit suggestions to reduce the state government's environmental impact to the Department of Human Resource Management's Employee Suggestion Program. The employee who submits the best idea, determined by the Chief of Staff and Secretaries of Administration and Natural Resources, will receive one day of annual leave.

Environmental Management Systems

Executive Order 82 directs all executive branch agencies and institutions to either develop an Environmental Management System (EMS) or adopt and post to their website a suite of policies

concerning the use of energy and water, waste reduction and travel that will reduce costs and environmental impacts. If an EMS is not developed, adopted policies must include the following:

- Reduce energy use by powering down computers when not in use, turning off interior and exterior lights when not needed, and reducing after-hours use of heating and cooling systems.
- Reduce water use by eliminating leaks, minimizing use of water for irrigation through reduced frequency of watering, timing of watering, and use of drought-resistant grass and plants.
- Reduce waste by reducing consumption of paper and disposable supplies, increasing recycling of white and mixed paper, plastic, batteries, printer cartridges and aluminum.
- Reduce travel expenses by encouraging carpooling, video conferencing and conference calls, and by purchasing alternative fuels.

Green Buildings

The Governor also ordered all executive branch agencies and institutions entering the design phase for construction or renovation of a building to meet certain criteria to conform to LEED silver or Green Globes two-globe standards.

When a Commonwealth agency or institution is to lease space or build a new building in a metropolitan area with public transportation, it will seek to lease or build within a quarter mile of a transit or commuter rail stop and also seek locations that are pedestrian and bicycle accessible.

Procurement Standards

The Department of General Services and Virginia Information Technology Agency will develop specifications to encourage the use of recycled content, durable equipment and remanufactured components. Agencies will also work to reduce the use of toxic substances, such as cleansers, thereby minimizing the discharge of pollutants. Agencies must also work to reduce the volume

(continued on next page)

(continued from previous page)

and toxicity of packaging.

The Department of General Services will also require new vehicle and equipment standards, such as:

- Beginning July 1, 2010, the procurement of diesel fuel containing at least two percent biodiesel fuel or green diesel fuel, except for public safety agencies;
- Banning the purchase of individual sized plastic water bottles unless for emergency or health-related use;
- The purchase or leasing of Energy Star rated appliances and equipment, as previously required in Executive Order 48;
- The purchase of only recycled paper

for use in copiers, faxes, printers and other office equipment, as previously required in Executive Order 48;

- The use of "Virginia Green" certified facilities for meetings attended by more than 50 people.

Commuting to Work

The Executive Order requires that all agencies implement transit and ridesharing incentive programs, such as incentivizing transit by providing free passes while charging employees for parking. Agencies and institutions should also use telecommuting to the fullest extent to mitigate traffic congestion and reduce emissions.

To encourage this initiative, Governor Kaine has declared Monday,

August 3, 2009, a "Statewide Telework Day" and requests that the directors of state agencies and institutions as well as private sector employers allow as many citizens as possible to telecommute on that day.

Executive Order 82 expands on Executive Order 48, which Governor Kaine issued in April 2007. To view both executive orders, visit the Governor's website at: www.governor.virginia.gov.

The Green Challenge reflects Governor Kaine's commitment to his "Renew Virginia" initiative, a series of legislative and executive actions focused on promoting renewable energy, creating green jobs, and encouraging preservation of the environment in the Commonwealth. ❖

Proposed EPA Regulations Threaten Thousands of Jobs

A proposed hazardous air pollutant regulation for the cement industry undermines the balance between environmental protection and economic viability, according to statements the Portland Cement Association (PCA) issued in conjunction with a series of public hearings.

Last month the U.S. Environmental Protection Agency (EPA) announced amendments to the national emission standard for hazardous air pollutants (NESHAP) for the portland cement manufacturing industry. It requires new emission standards for mercury, total hydrocarbons, hydrochloric acid and particulate matter.

The regulations are based on a new approach to setting regulatory standards that results in excessively stringent and costly requirements. If adopted, the standards would undermine the stability of the domestic cement industry, endangering thousands of jobs.

Industry studies have shown the new guidelines could lead to forced closure of plants, creating hardship in cities throughout the country.

"Pushing cement production to other countries would 'OPEC' the industry and make the U.S. dependent on cement imports," says Andy O'Hare, PCA vice president for regulatory affairs. "In addition, because these countries have fewer regulations global emissions

of mercury and carbon dioxide could actually increase."

U.S. cement production and its related industries employ tens of thousands of Americans and produce a product that is absolutely essential to many of the infrastructure construction projects identified by the Obama administration and the Congress as important to the nation's economic recovery. To meet expected demand, the U.S. will need to produce 30 percent more cement by 2020.

"If this rule is adopted, domestic cement supply will be constrained and investments in cement capacity expansion avoided, causing the stimulus package to advance fewer projects with less jobs created," O'Hare said. "A reasonable rule – building on the good record of current regulatory programs and setting achievable standards based on demonstrated achieved emissions control strategies – would not act at cross-purposes to economic recovery."

At a series of public hearings held by the EPA, the industry recommended the rule be revised to reflect real world data about what controls can be placed on cement kilns and the emissions control levels that can be achieved in practice with those controls. They are calling for emission standards based on demonstrated emission control strategies and on logical subcategorization of cement plants, as required under the Clean Air

Act, to ensure that standards are both reasonable and achievable.

"The cement industry takes its environmental performance seriously," O'Hare said. "During the last decade, cement plants have successfully addressed the rising demand for portland cement while developing and implementing environmentally and socially responsible business practices. The industry has invested in technology to reduce air emissions, minimize waste production, recycle and recover inputs, enhance energy efficiency, and conserve natural resources – all the while producing a reliable and affordable supply of building materials to support our economy." ❖



Governor Commits Virginia to “United We Serve”

Governor Timothy M. Kaine applauded the launch of the United We Serve initiative, a national effort by the Obama administration to promote and sustain community involvement. To kick off the initiative in Virginia, First Lady Anne Holton and Deputy Secretary of Natural Resources Nikki Rovner joined U.S. Secretary of the Interior Ken Salazar at the Big Meadows area of Shenandoah National Park to perform invasive weed removal. Governor Kaine will participate in a number of programs throughout the

summer as part of the initiative.

“This summer is going to be rich with volunteer opportunities for anyone, no matter their age or interests,” said Governor Kaine. “We all have knowledge and talents that can be used to impact the lives of our fellow Virginians and make our communities better places to live. There’s a school, park or health center in every person’s neighborhood ready to flourish with a bit of consistent support. This is too important to leave to ‘somebody else’ and I hope all Virgin-

ians will use this summer to re-commit to helping others.”

United We Serve aims to put volunteers on a path to sustained service in their communities. Citizens are encouraged to organize those within their community, identify unmet needs, develop their own service projects, and network with others who have similar skills or interests. The initiative will encourage participation across a wide range of service areas, with particular emphasis on fields that will help mitigate the effects of the economic downturn, and help America recover. The areas of emphasis are:

- Promoting clean energy, energy efficiency, and public land restoration
- Education and literacy
- Increasing health care access, public health awareness, and prevention
- Providing community renewal to areas hardest hit by the economic crisis

State agencies have been directed to work with community and faith-based groups and volunteer networks to develop service opportunities statewide. Information on these programs will be available through local volunteer centers and posted on www.serve.gov, the federal government’s resource for volunteer opportunities.

The efforts of volunteers can be especially powerful in meeting the growing social needs of those most affected by the economic downturn. In some cases, the capacities of traditional volunteerism opportunities are being stretched, so United We Serve will seek to engage citizens in both existing organizations, and also the performance of “do-it-yourself” projects.

The Virginia Department of Social Services’ Office on Volunteerism and Community Services (OVCS) is one point of contact for United We Serve efforts in the Commonwealth.

“Virginia can accomplish so much, especially if we collaborate and keep at it,” said OVCS Director Nikki Nicholau. “We have a strong volunteer support network. We have the ideas and the opportunities. We need people to make them happen.” ❖



SAVE THE DATE

VRMCA FALL CONVENTION

**HILTON VIRGINIA BEACH OCEANFRONT
SEPTEMBER 20 - 22, 2009**

Microsoft Offers Free Training for the Displaced

Governor Timothy M. Kaine has joined forces with Microsoft to provide free technology training to displaced workers. Through the Microsoft Elevate America program, the software and technology giant will work with the Virginia Community College System (VCCS) to distribute 11,250 vouchers for technology training and certification. Elevate America also provides a wide variety of other free resources on its website including basic skills training and career resources to find internships and jobs.

“Virginia already has one of the best workforce development systems in the country—this program means we’ll have another exciting tool at our disposal,” said Governor Kaine. “This partnership will provide thousands of Virginians with the technology skills they need to attain and sustain employment as the economy recovers. At the same time, this critical training will ensure Virginia’s workforce emerges from this economic downturn stronger than ever, and ready to compete on a global level.”

Virginia will receive 5,000 vouchers for intermediate level online training, 5,000 vouchers for Microsoft business certification exams, and 1,250 vouchers for advanced technical professional online training.

In its role as Microsoft’s “designated partner” for administration of Elevate



America in Virginia, VCCS will work with the Department of Education and Virginia’s workforce centers to distribute 1,500 training vouchers, 1,500 testing vouchers, and 400 advanced level vouchers each. VCCS will retain the remaining vouchers for distribution as needed. Vouchers will be distributed to citizens across the state on a first come, first served basis.

“Today, more than ever, people are looking for an opportunity to gain new, portable skills and training that will help them in their careers or as they look for their next job,” said Dr. Glenn DuBois, Chancellor of VCCS. “Virginia’s com-

munity colleges form a natural network for partnering with Microsoft to provide the technology training individuals need to gain a competitive edge.”

Microsoft’s “Elevate America” program is expected to provide up to 1 million vouchers nationwide for Microsoft e-Learning courses and select Microsoft certification exams at no or low cost to recipients.

Office locations and additional information about obtaining the vouchers are available at: www.vccs.edu/workforce. To learn more about the Elevate America program, head to www.microsoft.com/elevateamerica. ❖

2009 VRMCA MIXER TRUCK ROADEO SPONSOR ROUNDUP

THANK YOU TO OUR
GOLD LEVEL SPONSOR:



AND TO OUR
SILVER LEVEL SPONSORS:



CRIDER & SHOCKEY, INC.





A MID-YEAR LABOR & EMPLOYMENT UPDATE: Legislative and Agency News that May Affect You

John G. Kruchko & Kevin B. McCoy*

The year is only half over, and yet the federal government has wasted little time in making or proposing significant changes to the labor and employment law landscape – none of which is particularly good news for employers. Most of you have heard of the Employee Free Choice Act (“EFCA”). However, that is far from the only noteworthy item on the government’s agenda this year. Below is a sampling of what the federal government has been up to thus far.

The Lilly Ledbetter Fair Pay Act

On January 29, 2009, Barack Obama signed his first piece of legislation into law – the Lilly Ledbetter Fair Pay Act. The new law amends Title VII of the Civil Rights Act of 1964 (“Title VII”), the Age Discrimination in Employment Act (“ADEA”), the Americans with Disabilities Act (“ADA”), and the Rehabilitation Act (the ADA for government workers) to declare that each new paycheck issuance is a discriminatory act that begins anew the 300-day administrative filing deadline (180 days in some states) for discrimination claims filed with the Equal Employment Opportunity Commission (“EEOC”) or a state or local government equivalent. The new law deems an unlawful employment

practice to have occurred when: (1) a discriminatory compensation decision or other practice is adopted, (2) an individual becomes subject to the decision or practice, or (3) an individual is affected by application of the decision or practice, including each time compensation is paid. The new law effectively eliminates the statute of limitations for pay discrimination claims, because even discriminatory compensation decisions (i.e., we are going to pay the women less) that may have been initiated years and even decades earlier may still be viable now that each paycheck will be viewed as an independent discriminatory act. For employers, this new law now means you will face the daunting task of not only defending compensation decisions made recently, but also those decisions that were made years earlier.

Mandatory Paid Sick Leave and Vacation for Employees

In mid-May 2009, the House introduced the Healthy Families Act (H.R. 2460). The proposed legislation would require companies with 15 or more employees to allow each employee to earn one hour of paid sick leave for every 30 hours worked, up to a maximum accrual of 56 paid sick leave hours per year. Employees could begin accruing leave on their first day of employment

(i.e., no “waiting periods”) and could begin using their paid sick leave after 60 days of employment. Also, employees could carry over unused paid sick leave from year-to-year, but they would still be subject to the 56 hour accrual cap. Employees could use their new paid sick leave for absences resulting from (1) their own physical or mental illness, injury, or condition, (2) doctor visits; (3) to care for a child, spouse, parent or other close relative, and (4) domestic violence, sexual assault, or stalking (provided the time is used to seek treatment, counseling, or other assistance).

To complete the circle of new entitlements, the House also introduced in May the Paid Vacation Act (H.R. 2564). This proposed law would amend the Fair Labor Standards Act (“FLSA”) to require organizations with 100 employees or more to offer, at a minimum, one week of paid annual vacation to those employees who have been employed for at least 12 months and who have, during that period, worked at least 1,250 hours. Three years after enactment of the new law, organizations with 100 or more employees would have to provide those same employees with at least two weeks of annual paid vacation, and organizations with 50 or more employees would have to provide employees with

(continued on next page)

(continued from previous page)

one week of paid vacation. Unlike the paid sick leave, however, vacation days would not carry over from year-to-year, but would have to be used within the applicable 12-month period.

The Arbitration Fairness Act

In another blow to employers, the Senate introduced in April the Arbitration Fairness Act of 2009 (S. 931). The proposed law would render unenforceable pre-dispute arbitration agreements that require employees to submit employment, consumer, franchise, or civil rights disputes to arbitration before going to court. Many companies have started included arbitration agreements into pre-hire employment agreements, as a companion piece to confidentiality provisions or covenants-not-to-compete. This law would make those arbitration provisions void. Note however, the new law applies only to individual agreements; it would not affect pre-dispute arbitration provisions that are common in collective bargaining agreements. Unions and management would still be free to bargain over and to include such provisions into collective bargaining

agreements, if they chose to do so.

Family Responsibility Discrimination on the Rise

In April 2009, the EEOC supplemented its outdated 2007 guidance with some “best practices” for employers to follow with regards to family responsibility discrimination. For those who may be unaware, family responsibility discrimination is unlawful discrimination against an employee based on that employee’s actual or perceived “caregiving responsibilities” at home. For example, it would be unlawful for an employer to assume that a new mother was probably no longer interested in being promoted because she would not want to take on additional responsibilities that would interfere with being a mother. By the same token, employers cannot discriminate against men by assuming that they do not or should not have significant “caregiving responsibilities” at home. This type of discrimination is on the rise, and the EEOC’s decision to update its materials on this subject suggests they anticipate that rise to continue. A complete copy of the EEOC’s update materials can be

found at www.eeoc.gov.

To guard against caregiver discrimination, employers should adequately train their managers in family responsibility discrimination, update their EEO policies, respond to complaints from employees that may indicate caregiver discrimination, and make sure the company has a clear position on how it wants to handle the “work-life balance” issue. If you are unsure about what this emerging type of discrimination entails or have a particular situation involving an employee, you should contact your employment counsel for guidance. ❖

* © 2009 Kruchko & Fries

John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Kevin B. McCoy is a Senior Associate 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.

Build it with Concrete



VIRGINIA READY-MIXED CONCRETE ASSOCIATION
**SOUTHWEST VIRGINIA
 ADVISORY COUNCIL**

Contributing Members:





WHEN SO MUCH IS RIDING ON
YOUR CHOICE OF CEMENT,
MAKE THE **RIGHT** CHOICE

THE **RIGHT** PRODUCT & SERVICE
IN THE **RIGHT** PLACE
AT THE **RIGHT** TIME

Roanoke Cement has supplied ready-mix producers and the construction industry with consistent, dependable, high quality cement for over 50 years.

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

When so much depends on your cement, choose Roanoke Cement. Call 800-782-7622 or 540-992-1501 today.

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.

ROANOKECEMENT[™]
A TITAN AMERICA BUSINESS