



VRMCA & MRMCA Partnered in Showcasing Concrete’s Contributions to More Energy Efficient Buildings at the U.S. Department of Energy (DOE) 2016 Building Technologies Office (BTO) Peer Review Poster Session

The U.S. Department of Energy 2016 Building Technologies Office Peer Review poster session was held on April 4-7, 2016 at the Falls Church Marriott. This 4th annual review encompassed many of BTO’s active research, development, demonstration and deployment projects. VRMCA in partnership with MRMCA participated as an exhibitor in this event and displayed a 30” X 6’ roll up poster describing various attributes of concrete for energy efficient buildings, (see pictures).

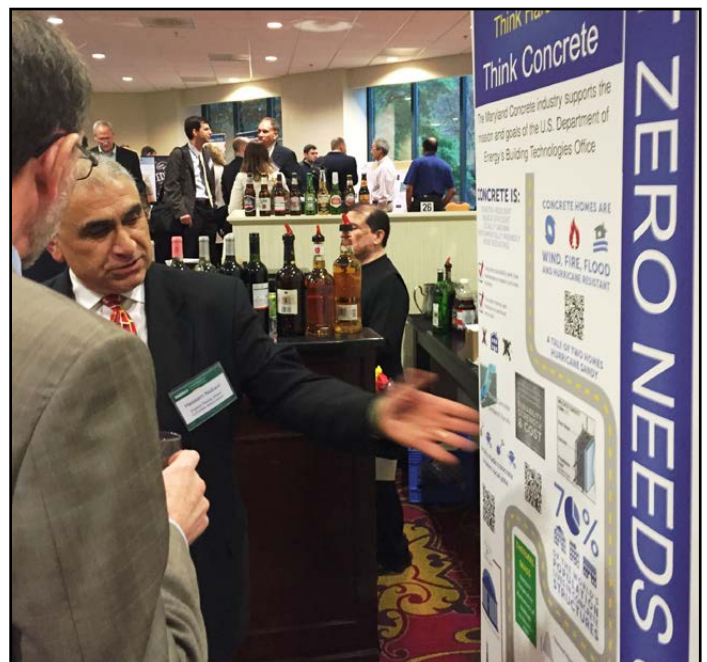
In this year’s event, more than 400 people were in attendance, 34 exhibitors were present, nearly 100 projects were presented for the peer review. Peer reviews are important in providing robust, documented feedback for program planning. Peer reviews also provide an opportunity to promote collaborations, partnerships, and technology transfers.

BTO leads a vast network of research and industry partners to continually develop innovative, cost-effective energy saving solutions, better products, better new homes, better ways to improve older homes, and better buildings in which we work, shop, and lead our everyday lives. The BTO’s Multi-Year Program Plan for Fiscal Years 2016-2020 provides a roadmap, strategies and goals for significantly reducing building energy use intensity. The BTO’s goal is to reduce the energy use intensity across the U.S. buildings by 30% by 2030, with a longer term goal for 50% reduction.

Energy efficiency matters. It is a low cost way to save money, support job growth, reduce pollution, and improve the competitiveness of our businesses. Homes, offices, schools, hospitals, restaurants, and stores consume a lot of energy and money. We spend more than \$430 billion each year to power our residential and commercial buildings, consuming more than 70% of all electricity used in the United States. This is about 40% of United States’ total energy bill, and

in the mix ...

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VRMCA is now on Twitter!

Follow us @VAReadyMix or view the Twitter feed at www.vrmca.com

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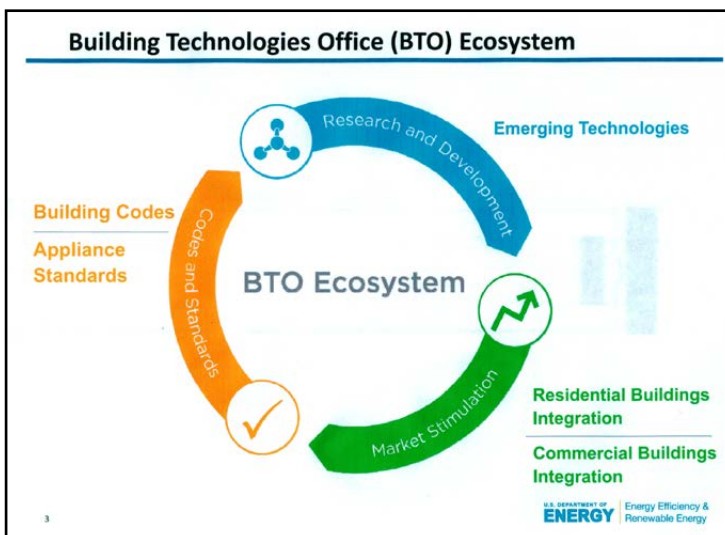
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a contributing factor to almost 40% of the nation’s carbon dioxide emissions, 18% of the nitrogen oxide emissions, and 55% of the sulfur dioxide emissions. These emissions ultimately contribute to smog, acid rain, haze and climate change. Much of this energy and money is wasted, over 30% on average. If we cut the energy use of U.S. buildings by 20%, we could save approximately \$80 billion annually on energy bills and reducing greenhouse gas emissions. More than 114 million homes and 87 billion square feet of commercial space were constructed before 1980. This is prior to the existence of today’s efficient products and most equipment standards and building codes. These buildings represent a large potential for energy savings. Ultimately, efficient buildings help us to do more with less energy. This helps to ensure we have available, reliable energy supplies well into the future.

Improving the efficiency of the buildings can play a significant role in reducing pollution and will also help the U.S. to achieve its goal of reducing energy-related greenhouse gas emissions 17% by 2020.

Our message was very clear: “Energy Efficient Buildings Need Concrete”.

Hessam Nabavi, Director of Industry Services



Richmond Advisory Council Hosts Concrete 101 For Building Inspectors

On March 31st The Richmond Advisory Council and Swope & Associates held a workshop for the Virginia Building & Code Officials in Williamsburg. Approximately, 40 building and code inspectors gathered to garner more knowledge about concrete. Over the course of the day several speakers discussed various aspects of concrete, with the end goal being that of a richer understanding of concrete.

The day started off with Jim Murray, of Vulcan Materials, and Jason Connor addressing the group and informing them about VRMCA and NRMCA. Of particular interest was the Design Assistance Program of which Jim Murray spoke and answered questions on. Michael Carter, of Swope & Associates, gave a very informative presentation on fiber reinforced concrete. This raised lots of audience questions and participation. Will Raferty and Stephen Brenner, both also of Swope & Associates, and Jim Murray then gave a wonderful presentation on Pervious Concrete, admixtures and mix designs. After a quick break for some Pierces BBQ, Bob Neal of Lehigh, gave a very popular discussion on flatwork. To end the day John Rivers, of Sika Corporation, spoke on concrete repair and patching.

The event was well received and already the possibility of doing another presentation on Roller Compacted Concrete has been discussed! Big Thanks to all of the speakers, attendees and volunteers.



Jason Connor, Director of Industry Services



SAVE THE DATE

VRMCA Fall Convention

October 2-4, 2016

Hilton Virginia Beach Oceanfront



On the Horizon | *Calendar of Upcoming Events*

May 10, 2016

Hampton Roads
Business Meeting
11:30am
Chesapeake, VA

May 11, 2016

Blue Ridge Advisory
Council Meeting
12:00pm/Noon
Rowe's Family Restaurant
Staunton, VA

May 12, 2016

Northern VA Council Meeting
11:30am
Wyndham Garden, Manassas, VA

May 13, 2016

Hampton Roads Pervious Concrete
Contractors Certification Course
7:30am
Tidewater Community College
Virginia Beach, VA

May 19, 2016

NVCAC Pervious Concrete Certifi-
cation Course
7:30am
Luck Stone Quarry
Leesburg, VA

May 24, 2016

Southwest Business Meeting
8:00am
Roanoker Restaurant
Roanoke, VA



**VIRGINIA READY - MIXED
CONCRETE ASSOCIATION**

LEGAL REVIEW

The Department of Labor Department Publishes “Persuader Rule”

This legal review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

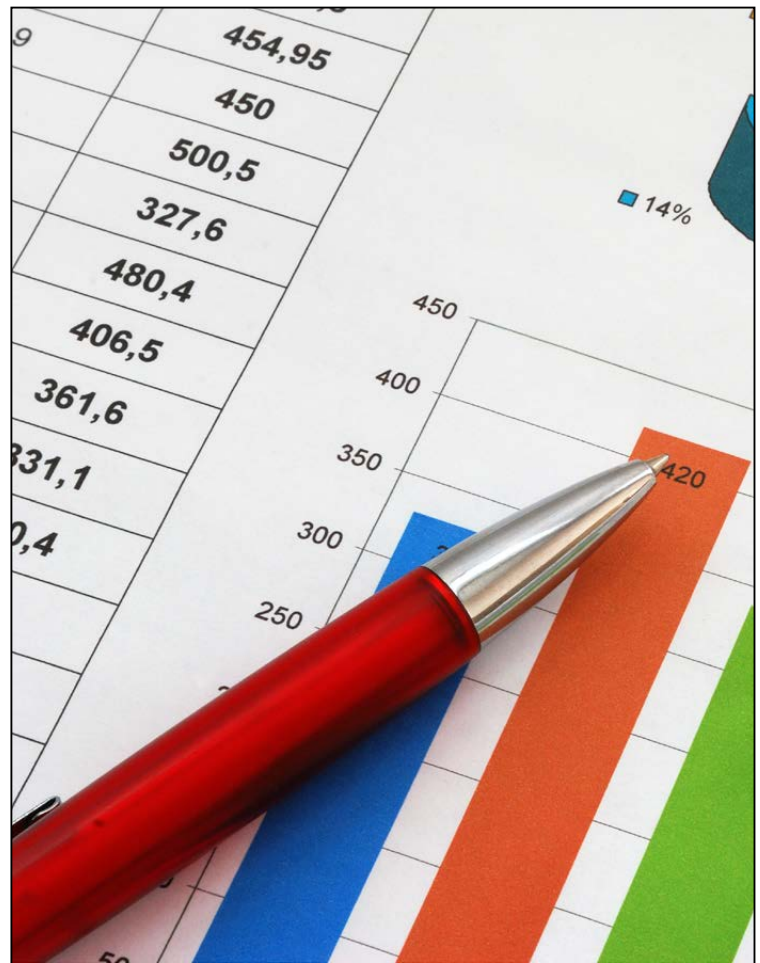
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*John G. Kruchko

By John G. Kruchko and Jacquelyn L. Thompson*

Executive Summary: On March 23, 2016, the U.S. Department of Labor (DOL) issued the final version of its “persuader rule,” which requires employers, third-party lawyers, and other labor consultants to disclose to the DOL any arrangement to persuade employees directly or indirectly concerning the right to organize or bargain collectively. These reports must be filed electronically and, once filed, become publicly available records.

Background: Under the Labor Management Reporting and Disclosure Act (LMRDA), employers must disclose “persuader activity” made with labor relations “consultants” to persuade workers to oppose unionization or collective bargaining. This disclosure must be reported by labor relations “consultants” within 30 days of the engagement or agreement to provide persuader services and by an employer within 90 days after the end of the fiscal year in which the employer engaged persuader services. The definition of “consultants” includes lawyers, law firms, public relations firms and trade associations. Prior to the rule issued on March 23, 2016, consultants were exempted from reporting “advice” they gave to employers under Section 203 of the LMRDA. Thus, under the old interpretation of Section 203, persuader agreements did not trigger reporting requirements if the consultant had no direct contact with employees and limited its activity to providing the employer with materials that the employer had the right to accept or reject.

Revisions to the “Advice Exemption”: The new persuader rule significantly narrows the “advice exemption” and greatly expands what is reportable persuader activity. The persuader rule now explicitly states that both “direct” and “indirect” persuasion activities trigger the LMRDA’s reporting requirements. Examples of “indirect persuasion” now covered by the LMRDA include, but are not limited to: (a) planning, directing or coordinating activities undertaken by supervisors or other employer representatives, including meetings and interactions with employees; (b) providing material or communications to the employer in oral, written or electronic form, for dissemination or distribution to employees; (c) conducting a seminar for supervisors or other employer representatives; or (d) developing or implementing personnel policies, practices or actions for an employer. In practical terms, the rule will require attorneys and their clients to report to the Department of Labor, as a matter of public record, the time spent on a variety of labor and employment issues and all expenditures by employers and receipts by law firms related to persuader activities. Furthermore, according to the DOL, the “persuader



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rule” applies to labor relations governed by both the National Labor Relations Act and the Railway Labor Act.

Unique Application of New Persuader Rule to Trade Associations:

Another addition to the persuader rule is how the LMRDA applies to Trade Associations. As stated above, one of the new “indirect persuasion” activities includes conducting a seminar for supervisors of other employer representatives. Such seminar agreements must be reported if the consultant develops or assists the attending employers in developing anti-union tactics and strategies for use by the employer, the employers’ supervisors or other representatives. However, this applies differently to Trade Associations. According to the final rule, Trade Associations, in general, will only trigger the reporting requirements in two scenarios:

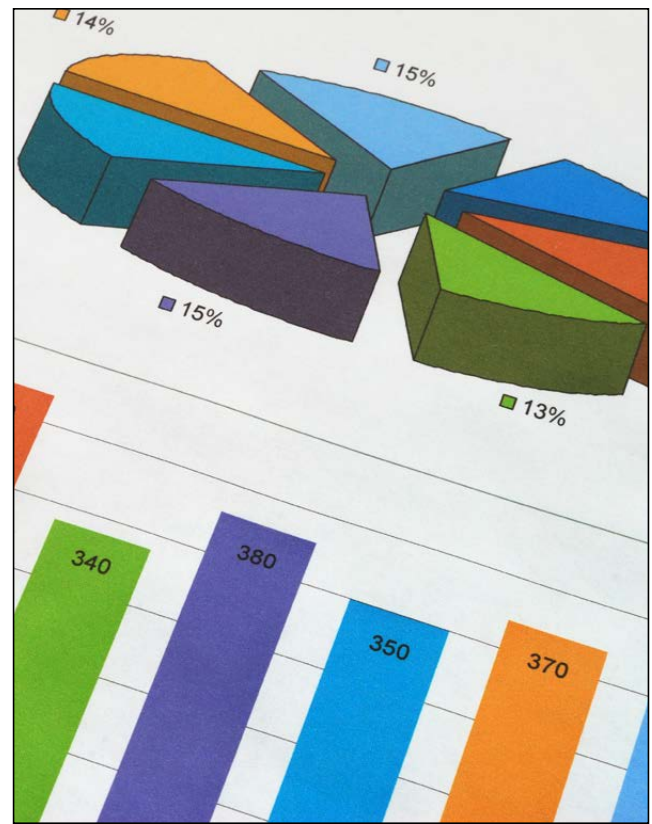
1. Where the Trade Association’s employees serve as presenters in union avoidance seminars; or
2. Where the trade association undertakes persuader activities for a particular employer or employers other than by providing off-the-shelf materials to employer-members.

In other words, Trade Associations cannot actually create or present such seminars or presentations without being subject to the reporting requirements. Trade Associations

may, however, sponsor and host union avoidance seminars and give “off-the-shelf” persuader materials to member-employers without having to report under § 203(c) of the LMRDA. According to the final rule, “off-the-shelf materials” refer to “pre-existing material not created for the particular employer who is party to the agreement.” Thus, Trade Associations may be subject to the reporting requirements should they create new materials on union avoidance for an employer. It appears general manuals will not trigger the reporting requirements as long as the manual in question was not created for a specific employer-member of the Trade Association. Additionally, the new persuader rule eliminates the obligation for employers to report a Trade Association’s mere attendance at a seminar.

Pending Lawsuits Opposing the Rule: Currently, there are lawsuits filed in the U.S. District Court for the Eastern District of Arkansas, the U.S. District Court for the District of Minnesota, and the U.S. District Court for the Northern District of Texas challenging the rule. Among the claims of the filing parties are that the persuader rule violates the First Amendment and infringes on the attorney-client privilege.

Employers’ Bottom Line: For now, the “persuader rule” is scheduled to take effect on April 25, 2016, and apply “to arrangements and agreements as well as payments (including reimbursed expenses) made on or after July 1, 2016.” While there is pending litigation before multiple federal district courts challenging the rule, employers and “consultants” must begin now to take the necessary steps to understand their obligations under the new rule and ensure they are prepared to comply with its disclosure requirements.



© 2016 FordHarrison LLP | *John G. Kruchko is a Partner with the Management Labor and Employment Law Firm of FordHarrison, LLP, in Tysons Corner, Virginia; B. Patrice Clair is a Senior Associate in the firm’s Washington, D.C. office. Rachel Ullrich, an attorney in the firm’s Dallas office, prepared an original version of this article. For more information please contact Mr. Kruchko at (703) 734-0554 or Ms. Clair at (202) 719-2055 or by e-mail at jkruchko@fordharrison.com or pclair@fordharrison.com. This article is published for general information purposes and does not constitute legal advice.

Sheetz Continues to Use Concrete

What is likely the newest Sheetz store in a long line of units in this area, the Bristol Sheetz will be opening in late April. Construction actually started in Late 2015 but was halted for weather. Construction started again in March 2016. The unit is on the Virginia side of Bristol, in a new retail development called The Falls. H.H. & H. performed the concrete work, and 1,500 cubic yards of concrete were delivered by Lakeside Ready Mix out of Abingdon.

Anchored by the first Cabela's in Virginia, The Falls is a 120 acre development with over 1,000,000 square feet of retail space available. Sheetz, Lowe's, Zaxby's and Buffalo Wild Wings have already committed to have stores in Phase 1. In preparation for this major development, \$22 million in road improvements to I-81 and Highway 19 have been committed, and a traffic count of 100,000 vehicles per day is expected. A projected count of 3 million shoppers per day make The Falls a premier location.

Bob Nablo, Director of Industry Services



The VRMCA hosted its Annual Mixer Truck Rodeo on April 25, 2016 again at the Meadow Event Park in Doswell, Virginia. This competitive event focuses on mixer truck driver safety through a written examination and driving skills course. John Detmer, the VRMCA Safety Committee Chairman, acted as emcee for the day and called on drivers to take their turns at the obstacle courses. The Association wishes to extend a thank you to all of those who volunteered on the course, the classroom and our event sponsors. Board members were on-site as well to show their support, along with representatives from producers and suppliers across the state.

This year's group consisted of 16 drivers from member companies. The driver earning the highest combined score in the written examination, pre-trip inspection, and the driving obstacle course wins first place, consisting of a cash award and a trip to the Spring Convention. Sam Britt of Vulcan Materials emerged victorious! Sam was runner-up in the last two year's competitions. Steven Odehnal of Capital Concrete took 2nd! Steven is reigning champion from the last two years as well. Congratulations to the winners and we look forward to next year's event!

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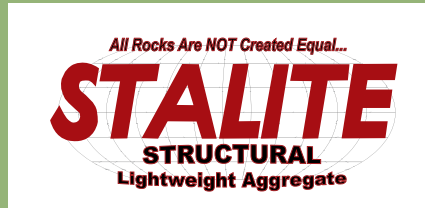
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The Smart Road bridge, at 175 feet tall, is Virginia's tallest bridge. Approximately 9,647 cubic yards of high-strength concrete were used to construct the 2,000-foot long bridge.