



THE READY-MIXER



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Virginia Ready-Mixed Concrete Association Newsletter

August 2016



OPERATIONS FORUM & EDUCATIONAL SEMINAR

Recently, the Richmond Advisory Council hosted two unique events which brought their members together. The first, was an operations forum at The Pete Store in Richmond. This was a great event where the council members were able to see some of the work they have done in the past, as well as learn more about the new mixer trucks. The second, an educational seminar concentrating on fiber reinforced concrete.

The operations forum at The Pete Store, served as a dual function event. First, the members of the council got to see what was new with the Peterbuilt Trucks. From the extra roomy interior, to the advanced safety features on board. Reid Farmer, General Sales Manager of the Pete Store, was our host and shared his knowledge on the trucks and beyond. After providing those in attendance with a Peterbuilt education, a tour of the facility ensued. The tour included everything from the service bays to the driver's lounge. But what really caught everyone's attention was the parking lot!

The parking lot is, of course, all concrete! This project was originally slated to be asphalt but thanks to Greenrock became concrete. Greenrock not only helped flip the table on this project, but also provided the concrete. The Pete Store, a chain of 14 Peterbuilt dealerships, is so happy with the results, they are choosing to use



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in the mix ...

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Virginia Ready-Mixed Concrete Association

250 West Main Street, Suite 100 • Charlottesville, VA 22902

Phone: (434) 977-3716 • Fax: (434) 979-2439

easter@easterassociates.com • www.vrmca.com



2016 VRMCA Advisory Council Regions

Jay McNeely VRMCA Advisory Council Chairman

Eagle Corporation
Charlottesville, VA
Phone: (434) 971-2686
pjm@eagle-corp.com

BLUE RIDGE

Rob Watkins
Chairman
Allied Concrete
P.O. Box 1647
Charlottesville, VA 22902
434-296-7181
rwatkins@allied-concrete.com

Scott Boshart

Secretary/Treasurer
Superior Concrete
Harrisonburg, VA
Phone: (540) 433-2482
sboshart@superiorconcreteinc.com

HAMPTON ROADS

Sarah Beasley
Chairman
Capital Concrete
400 Stapleton Street
Norfolk, VA 23504
757-627-0630 phone

757-627-3927 fax
sarah@capitalconcreteinc.com

Lee Flemming

Secretary/Treasurer
Essroc
Chesapeake, VA
Phone: (757) 647-9409
edward.flemming@essroc.com

NORTHERN VIRGINIA

Duane Laughlin
Chairman
Essroc Ready Mix
150 Lee Avenue
Winchester, VA 22604
540-323-3301 phone
540-723-4178 fax
duane.laughlin@essroc.com

Marc Granahan

Secretary/Treasurer
Lehigh Cement
Stone Ridge, VA
Phone: (703) 618-0735
mgranahan@lehighcement.com

RICHMOND/CENTRAL VA

Fred Lusby
Chairman
Powhatan Ready Mix
3501 Warbro Road
Midlothian, VA 23112
804-744-1472
flusby@powmix.com

John Lockett

Secretary/Treasurer
Roanoke Cement
Richmond, VA
(804) 432-4387
jlockett@roanoke-cement.com

SOUTHWEST

Bret Queen
Chairman
Chandler Concrete
Roanoke, VA
Phone: (540) 345-3846
bret.queen@chandlerconcrete.com

George Kuhn

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

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concrete on all of their future projects. Including one new dealership currently being built in South Carolina. No surprise that they purchased an additional building behind their current lot and are planning on using concrete paving at some point in the near future.

The second event RAC held, was an educational experience on the use of fiber reinforcement in concrete. The event was led by Michael Carter, of Swope and Associates, and provided one continuing education credit to both architects and engineers. With multiple representatives from Fox and Associates, as well as an engineer from Century Concrete augmenting the membership presence, it was truly a great turnout!

Michael's presentation focused on both micro and macro fibers and the benefits they provide over light gauge welded wire fabric. While everyone found his presentation to be highly educational, the engineers in particular really found the presentation to be helpful in specifying and relatable to projects they have worked on. It is safe to assume this event will not be soon forgotten.

Thank you to The Pete Store, Steve Kerr, and Michael Lamb for setting up the operations forum. Of course, a huge thank you goes out to Michael Carter for speaking at our fibers seminar, to all the members who helped to pull this event together, and invited guests.



LEGAL REVIEW

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.

New OFCCP Sex Discrimination Rule Now in Effect

By John G. Kruchko and Nancy V. Holt*

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*John G. Kruchko

Executive Summary: On June 14, 2016, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) published its updated sex discrimination rule for federal contractors and subcontractors. The Final Rule, "Discrimination on the Basis of Sex," took effect on, August 15, 2016. The Rule implements the requirements of Presidential Executive Order 11246 (E.O. 11246), which prohibits covered federal contractors and subcontractors from discriminating against their employees on a number of grounds, including sex. The OFCCP's sex discrimination rule was last updated in 1970, and the new rule incorporates many legal developments that have occurred since that time.

The rule applies to any business or organization that (1) holds a single federal contract, subcontract or federally assisted construction contract in excess of \$10,000; (2) has federal contracts or subcontracts that, combined, total in excess of \$10,000 in any 12-month period; or (3) holds government bills of lading, serves as a depository of federal funds, or is an issuing and paying agency for U.S. savings bonds and notes in any amount.

Requirements of the New Rule

The new rule clarifies the OFCCP's interpretation of E.O. 11246 as it relates to sex discrimination and aligns its guidelines with Title VII case law and the Equal Employment Opportunity Commission's (EEOC's) interpretations of Title VII. Important changes in the Final Rule include:

- Clarifying that the term "sex discrimination" now includes, but is not limited to, discrimination on the basis of sex, pregnancy, childbirth, or related medical conditions, gender identity, transgender status and sex stereotyping;
- Requiring contractors to provide workplace accommodations where needed because of pregnancy, childbirth, or related medical conditions;
- Prohibiting contractors from paying workers differently because of their sex;
- Clarifying that the prohibition on sex discrimination includes fringe benefits such as medical, hospital,



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accident and life insurance, retirement benefits, profit-sharing and bonus plans, leave, and other terms, conditions and privileges of employment;

- Providing that the term “harassment because of sex” now includes harassment based on gender identity, pregnancy, childbirth or related medical conditions, and harassment because of sex or sex-based stereotypes even if it is not sexual in nature;

- Prohibiting sex-based requirements for jobs and training unless the contractor can meet the high bar of demonstrating that such requirements are a bona fide occupational qualification;

- Prohibiting treating female and male employees differently based on the stereotypical assumption that women are more likely to have caregiving responsibilities;

- Clarifying that sex discrimination now includes discrimination because of an employee’s gender identity – the term “gender identity” now refers to one’s internal sense of one’s own gender, and it may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others;

- Requiring contractors to allow workers to use bathrooms, changing rooms, showers and similar

facilities consistent with the gender with which the worker identifies; and

- Prohibiting discrimination based on failure to comply with expectations about how women and men should look or act or what kinds of jobs they should perform.

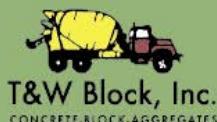
The Bottom Line:

Because many of the provisions of the new rule align with already existing federal and state law, contractors are likely already in compliance with many of these obligations. Accordingly, the rule may not require significant changes by most covered contractors and subcontractors in certain core areas. That said, the new rule provides clarity on the OFCCP and Federal Government’s expectations with regard to discrimination based on gender identity and requirements that employees be permitted to use the bathroom, changing room showers and similar facilities consistent with their gender identity, which may be very different from covered contractors and subcontractors’ current policies. While this specific new rule has yet to be challenged through the court system, a Federal judge in Texas recently blocked the Obama administration’s executive order that requires public schools to let transgender students use the bathrooms and locker rooms consistent with their chosen gender identity. Thus, it is vital that contractors be aware of the changes implemented by the new rule and consult with their labor and employment counsel to ensure they are in compliance and up to date on the latest developments in the law and guidance.

© 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.

Thank You

VRMCA GRATEFULLY ACKNOWLEDGES THE SUPPORT OF OUR 2016 MEETING & CONVENTION SPONSORS



“Concrete Buildings with BIM Workshop”

Discovering Concrete as a Preferred Medium of Expression for the Built Environment Using BIM

During much of modern history, architectural designs were communicated through the medium of two dimensional hand drawings. The 1980's introduced the computer-aided design (CAD) which soon became a popular medium to draw a building. The latest medium for drawing/ designing a building is the Building Information Modeling (BIM) that was introduced in 2000's to the design professional.

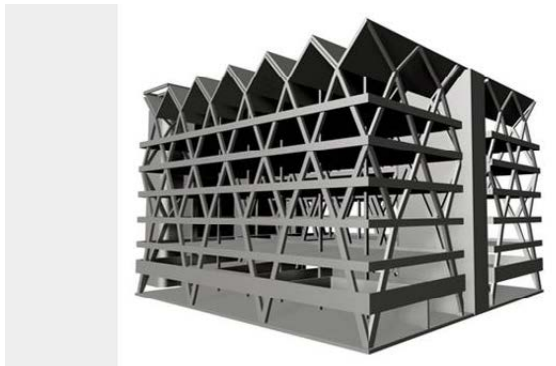
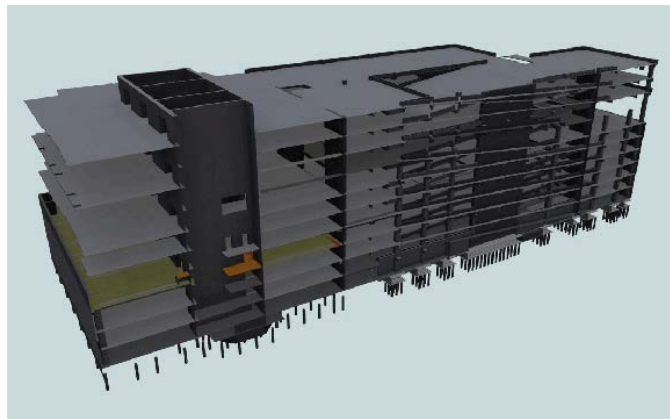
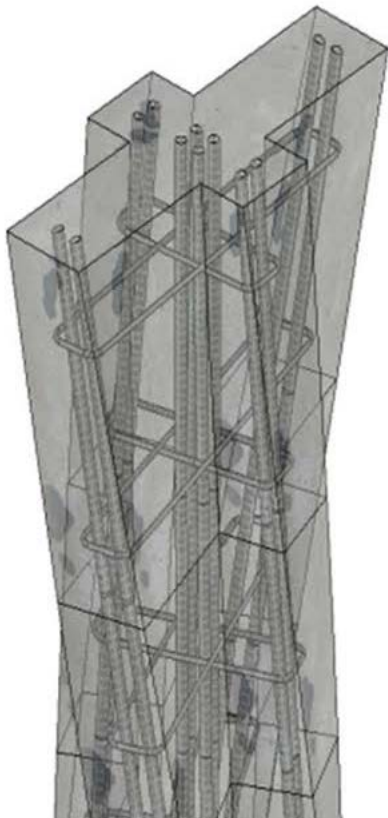
BIM is a digital construction model in a virtual world that not only considers the 3 primary dimensions such as width, height and depth but also time and cost which are considered 4th and 5th dimensions. BIM ultimately goes beyond geometry and covers other relationships such as geographic information, building components and their quantities and perhaps other analysis. BIM has the ability to extract various views from the digital building model for drawings, linked to the scheduling program, selecting and ordering materials and cost estimates.

Architects can use BIM to enhance their visualization of a project and other coordination. BIM also has the ability to assist contractors to avoid delays and other unforeseen disruption.

As you have noticed, BIM is changing the way that we design and construct our built environment and of course concrete is no exception.

Virginia Ready Mix Concrete Association and Maryland Ready Mixed Concrete association, The Maryland Chapter of the American Concrete Institute have partnered with global design software developers Vectorworks, Inc. and SCIA, Inc. to bring “The Concrete Buildings with BIM Workshop”.

Christopher Brown, Structural Engineer at Skidmore, Owings & Merrill LLP (SOM) and Chair, ACI 131- Building Information



Modeling of Concrete Structures, will be speaking on, Michael Bomba, ESQ., Director & Council at AIA, Dan Monaghan, USA Marketing Director of SCIA, Robert Anderson, VP Integrated Practice at Vectroworks, Inc., Francois Levy, AIA, Architect, Author and Principal at Levy Kilhass Architecture and Steve Alden, AIA, Architect and Director of Vectorworks, Inc. are speaking at this event.

Please click on the link <http://bit.ly/2bo51zD> for additional information and registration.

Hessam Nabavi, Director of Industry Services

VRMCA Fall Convention - Agenda & Registration Now Available!

Registration is now available for the upcoming VRMCA Fall Convention on October 2-4, 2016 at the Hilton Virginia Beach Oceanfront Hotel!

We have a packed agenda so you will not want to miss out!

Guest speakers include Dr. Dan Palazzolo, Professor of Political Science at the University of Richmond, Ryan Emmons, Director of Information Technology at Luck Stone, NRMCA Representatives will give a Build with Strength initiative update, a labor & employment update from Ford Harrison LLP, and Aubrey Layne, Secretary of Transportation. VRMCA recently hired a marketing firm, Otto Design & Marketing, who will be unveiling our new mission statement, logo, and the exciting plans that we have for concrete promotion in the near future! You will not want to miss it!

Visit www.vrmca.com to view the agenda and to register online.

A block of rooms has been reserved for Sunday night, October 2 and Monday night, October 3. In order to receive the convention rate of \$164/night, please call the Hilton today at 757-213-3000 or 1-800-HILTONS to make your reservations or click here to reserve online. Ask for the VRMCA room block.

****The room rate of \$164 will be available until Friday, September 9 or until the group block is sold-out, whichever comes first.****



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On the Horizon

Calendar of Upcoming Events

<p>September 8, 2016 Northern VA Council Meeting 11:30 AM Wyndham Garden Manassas, VA</p>	<p>September 27, 2016 Southwest Business Meeting 8:00 AM The Roanoker Restaurant Roanoke, VA</p>
<p>September 13, 2016 Hampton Roads Business Meeting 11:30 AM Chesapeake, VA</p>	<p>October 2-4, 2016 VRMCA Fall Convention Hilton Oceanfront Virginia Beach, VA</p>
<p>September 15, 2016 Southwest Council Golf Outing Ashley Plantation Daleville, VA</p>	



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