

## Ken Hover Rocks Roanoke

On October 11th Ken Hover PHD., PE. spoke to a packed room at the Sheraton in Roanoke. The event was co-sponsored by the American Concrete Institute, the Southwest and Blue Ridge Council Concrete Advisory Councils and drew 68 people to hear an amazing presentation. The crowd heard Ken speak on concrete fundamentals and jobsite issues.

The crowd, all 68 strong, was a great mix of people from different parts of the construction industry. There were people from ready mix, of course but also people from the cement industry, engineers, city officials, general contractors and finishers all in attendance. The group was enthralled in the presentation and had plenty of questions for Hover.

Hover started his career as an engineer with the Army Corps of Engineers. He went on to get a masters degree in Civil Engineering from the University of Cincinnati and then a PHD in structural engineering from Cornell University. He is then joined the faculty of Cornell where he teaches various courses all revolving around concrete. In 2006 he was named one of the “10 most influential People in the Concrete Industry.”

Ken gave a rousing presentation on modern problems in concrete and gave some ideas on how to help fix them. From mix designs, water cement ratios, design flaws, testing issues and even finishing issues.

The issues were all common to everyone in the room and his answers to these were wide ranging and well thought out. Everyone that attended truly seemed to learn a few new things.

This was one of the

highlights of the year for the Southwest and Blue Ridge Councils. The presentation itself was the culmination of months of work by the ACI Board of directors and marketing efforts by both councils. The success of this event is a direct correlation to that work and everyone who was involved in that deserves a big job well done.

*Jason Connor, Director of Industry Services*



### in the mix ...

“Problems Related to Concrete at the Job Site”  
Who Owns the Curing Box? Identifying who is responsible.....3  
Important Tips for Addressing the DOL’s  
New Overtime Expansion.....5

“Build with Strength – An Introduction to  
NRMCA’s New Buildings Promotion Program”  
Presentation at the NVCAC September 2016  
Business Meeting.....7



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# “Problems Related to Concrete at the Job Site” Who Owns the Curing Box? Identifying who is responsible

By Joint NVCAC and WACEL Educational Gathering

NVCAC and WACEL held their 5th joint educational gathering in Tysons Corner recently.

This year's event was a panel discussion on “Problems Related to Concrete at the Job Site” with the focus on “Who Owns the Curing Box? Identifying who is responsible”. The event was organized by VRMCA and WACEL to bring this discussion to more than seventy engineers from various counties, private firms, testing agencies and NVCAC members.

Panel Members consisted of,

Teck Chua, P.E. is the Director - Technical Services at Vulcan Materials Company ready mixed concrete division, Rod Meyers, P.E. with Shuster Concrete, Jules Reese, P.E., Vice President of Independent Consultant and Engineers and Will Rafferty, Technical Service Advisor with Swope and Associates. Moderator for this event was Phil Kresge, Vice President of Local Paving, National Ready Mix Concrete Association.

Teck Chua is the Director - Technical Services at Vulcan Materials Company ready mixed concrete division servicing the markets in Virginia, the District of Columbia and Maryland. Teck's duties include concrete product research and development, concrete trouble shooting and QC/QA. An ACI Fellow, Teck is a Professional Engineer registered in VA, DC and MD. He is a voting member of ACI 301 Specifications for Structural Concrete, ACI 207 Mass and Thermally controlled Concrete, ACI 211 Proportions for Concrete, the National Ready Mixed Concrete Association Research, Engineering and Standards Committee, and a Panelist of the National Cooperative Highway Research. He is also a technical committee member of the Virginia RMCA and Maryland RMCA. Teck's 32-year concrete industry experience includes precast, prestressed and ready mixed. Teck is a graduate of Purdue University, where he received both a bachelor's and a master's degree in Civil Engineering.

**Rod Meyers** is a professional engineer, a graduate of the University of Maryland and has been in the concrete construction industry for 40 years. He is an advocate for improving the quality of concrete construction, supporting new technology and expanding concrete building construction. His latest project is promoting the use of 4-D and building information modeling in

*Continued on page 4*





as the trainer for ACI Level I, ACI Flatwork Technician, Adhesive Anchor and Pervious Concrete.

**Philip Kresge** is the Vice President of Local Paving for the National Ready Mixed Concrete Association (NRMCA). Phil has been with NRMCA since October 2004. As part of NRMCA's Local Paving Division, Phil works with state, regional and local promotion partners to help deliver concrete parking and street paving projects by supporting promotion, design and construction activities. He continues to work closely with the US EPA, the GSA and the Army Corps of Engineers, as well as numerous commercial accounts and their consultants. Phil is well-versed in design and construction of conventional concrete pavement, pervious concrete, roller-compacted concrete and concrete overlays of existing asphalt pavement.



Prior to his appointment with NRMCA, Phil served as Executive Director for the Pennsylvania Concrete Promotion Council (PCPC). He has twenty-eight years of experience in the Ready Mixed Concrete Industry. Phil holds a Bachelor's Degree from Syracuse University. He currently sits on the Transportation Research Board's subcommittee on Paving Materials and the Urban Climate, the US EPA's Heat Island Reduction Initiative, and the EPA Region III Green Highways Partnership.

Rod Meyers started the conversation by boldly asking who is responsible to provide the curing box at the job site? Is it the responsibility of contractors or owners or testing labs or ready mix producers?

This statement was followed by a lively exchange between the panel members led by Phil Kresge. In this discussion various simplified methods for initial curing were discussed and many references were made for;

- 1- Having a pre-construction or pre-concrete meeting to make sure everyone knows the process & responsibilities.
- 2- Placing the specimens in a controlled environment maintaining a temperature range of 60 to 80 degrees.



According to ACI 301-1.6.2.2(d), it is the contractor's responsibility to provide space and a source of electrical power on the project site for initial curing of concrete strength test specimens.

Even though the amount of time for this discussion was limited, it highlighted the importance of this issue for the audience.

For additional information about this topic please review the following documents, ACI 301, ASTM C39 and NRMCA-CIP 34.

Many thanks to Teck Chua, Rod Myers, Jules Reese, Will Rafferty and Phil Kresge for making the time to bring their expertise and participate in this event. We would also want to thank Chris Worley with WACEL for working with VRMCA to organize this event.

*Hessam Nabavi, Director of Industry Services*

*Continued from page 3*

concrete construction.

**Jules Reese**, P.E. a graduate of U Mass Amherst in Civil Engineering in 1974 and completed his Masters in engineering at the University of Florida in 1975. Has over 40 years of experience in geotechnical field and testing laboratories. He opened Independent Consulting & Engineering in Upper Marlboro in 1995.

**Will Rafferty** is in his 37th year of working in concrete materials. He has past experience as a Technical Services Manager for ESSROC Cement, Oldcastle Materials and Florida Rock Industries. Will has spent the last nine years as a sales and technical services representative for Swope & Associates who is a distributor for SIKA admixtures here in the Mid-Atlantic. Will has served as a past president of the ACI Maryland Chapter and is involved with various technical committees. He also serves

**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.

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\*John G. Kruchko

## Important Tips for Addressing the DOL's New Overtime Expansion

### Executive Summary:

As first reported in May 2016, the U.S. Department of Labor's (DOL) amendments to the "white

collar" exemption tests for executive, administrative, and professional employees under the federal Fair Labor Standards Act (FLSA) will have a significant impact on most employers because it potentially could make millions more employees eligible for overtime compensation. With an effective date of December 1, 2016 looming, employers should be prepared to ensure compliance with the amendments.

### What Changes Did the Regulation Make?

**Salary Basis Test.** The most significant change made by the amendments is an increase in the minimum salary an employee must make to be considered exempt. Since 2004, for employees to be eligible for the white collar exemptions, they must have been paid a salary of at least \$455 per week (\$23,660 annually) and must have performed delineated exempt duties. The new regulations increase this salary threshold to \$913 per week (\$47,476 annually) by tying the required salary level to the 40th percentile of earnings for full-time salaried workers in the lowest-wage census region, which currently is the South region. The amendments did not, however, change the current duties test.

**Inclusion of Non-Discretionary Bonuses and Incentive Payments.** For the first time, employers will be able to use non-discretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the amount of the salary employees must receive to be eligible for the exemptions. Such payments may include non-discretionary incentive bonuses tied to productivity and profitability. However, such payments must be paid on a quarterly or more frequent basis in order to be applied to satisfy up to 10 percent of the new \$913 per week (\$47,476 annually) threshold.

**Highly Compensated Exemption.** The DOL's regulations contain a special rule for "highly compensated" workers, which previously provided that such employees are exempt if they earn

a salary of at least \$455 per week, are compensated more than \$100,000 annually (which can include commissions and non-discretionary bonuses earned during the year), primarily perform office or non-manual work, and customarily and regularly perform

at least one of the exempt duties of an exempt executive, administrative, or professional employee.

The Final Rule increases the salary threshold to \$134,004 annually, based upon the 90th percentile of full-time salaried workers nationally. Highly compensated employees must still receive at least the minimum salary per pay period (now \$913 per week), exclusive of non-discretionary bonuses and incentive payments. However, as under prior regulations, non-discretionary bonuses and incentive payments may be used to count towards the total annual compensation requirement.

**Automatic Updating Every Three Years.** The Final Rule provides automatic updates every three years, beginning on January 1, 2020. The updated salary basis threshold will be based upon the 40th percentile of weekly earnings for full-time salaried workers in the lowest-wage census region. The DOL will publish the updated rates in the Federal Register at least 150 days before their effective date. Based on current estimates and wage growth projections, the minimum salary threshold could rise to \$51,000 or higher by 2020.

### What Should Employers Do?

#### Review Exempt Classifications

First, employers must decide what to do with employees who are currently classified as exempt but fall below the new salary threshold. In some instances, increasing pay above the threshold may make sense. However, employers must be mindful that giving these employees an automatic increase may not sit well with comparable employees who are paid more because of objective factors such as strong performance or longevity. If the employer determines that increasing salaries above the new threshold will not work because of cost or other factors, there are many options other than simply paying employees on an hourly basis. For some employers, compensating non-exempt employees on a piece rate, day rate, or fluctuating work week basis may be a better alternative. Also, few employers are aware that they can compensate nonexempt employees on a salary based upon a work week in excess of 40 hours, so only half time would be owed for certain overtime hours.

Another problem employers face is they typically have

*Continued on page 6*

Continued from page 5

not tracked the work hours of exempt employees. Thus, if an employee is no longer exempt on December 1, the employer needs to know exactly how much time the employee is actually working to be able to determine potential costs of overtime eligibility.

**Implement a Training Program**

Determining whether to reclassify any exempt employees as eligible for overtime is just the start for employers. Employers must also consider all the added requirements that come with nonexempt workers to make sure they are complying with the FLSA. Ultimately, supervisors and employees will need to be trained on how to properly record hours and what is considered work time. For example, employees who have previously been exempt from overtime may be accustomed to checking emails or returning calls after hours or working at home. For employees converted to non-exempt status, that time will suddenly become compensable. Employees who travel may also be entitled to additional

compensation.

**Communication**

Being converted to non-exempt status and being forced to record hours will be unpalatable to certain employees. Employers need to be prepared to properly communicate changes and address morale issues. Employers also need to prepare new written pay plans so employees clearly understand how they will be compensated on a going-forward basis.

**It is Time for a Compliance Audit**

While the new regulations did not change the duties tests, this is a golden opportunity for employers to correct any lingering problems or misclassifications. Now is the time for employers to either hire an outside expert or appoint experienced internal personnel to audit company-wide pay practices. Employers who conduct these types of audits may reap the added benefit of being able to assert a reliance defense if they face wage and hour litigation.

*By John G. Kruchko and B. Patrice Clair\**

© 2015 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.

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**ON THE HORIZON**  
*Calendar of Upcoming Events*

<p><b>November 18, 2016</b>                  Hampton Roads Business Meeting                  11:30 AM                  Chesapeake, VA</p>	<p><b>November 10, 2016</b>                  Northern VA Council Meeting                  11:30 AM                  Wyndham Garden                  Manassas, VA</p>	<p><b>November 22, 2016</b>                  Southwest Business Meeting                  8 AM                  The Roanoker Restaurant</p>	<p><b>January 18, 2017</b>                  VRMCA Technical Committee Meeting                  The Place at Innsbrook                  10AM                  Glen Allen, VA</p>	<p><b>May 7-9, 2017</b>                  VRMCA Spring Convention                  The Greenbrier</p>
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## “Build with Strength – An Introduction to NRMCA’s New Buildings Promotion Program”

### Presentation at the NVCAC September 2016 Business Meeting

At the NVCAC Quarterly Business Meeting, Kathleen Carr-Smith spoke about “Build with Strength – An Introduction to NRMCA’s New Buildings Promotion Program”. Kathleen Carr-Smith is the Senior Vice President, Membership & Communications with the National Ready Mixed Concrete Association (NRMCA). She is an experienced association management professional with more than 20 years of experience in the not-for-profit sector. As senior vice president, membership and communications for the National Ready Mixed Concrete Association (NRMCA), Kathleen directs all aspects of membership acquisition, retention, member services and Board relations, as well as the organization’s external and internal communications, including the new Build with Strength campaign. Prior to joining NRMCA, Kathleen held a variety of management positions with associations representing geophysicists, the pharmaceutical industry and several charitable organizations. She is an experienced leader in not-for-profit fundraising, meeting planning, membership and communications. Kathleen holds a B.A. in American History from the American University and is a certified association membership professional.

**According to FMI Construction Outlook, the market potential for increase of construction put in place from 2014 to 2019 shows 49% for Residential Building, 35% for Non-residential building and 17% for Non-building. This also shows the market potential for the concrete industry.**

In the presentation, Kathleen suggested Build with Strength is a first-of-its-kind program for the concrete industry, designed not only to support our members, their businesses, and the hard-working men and women of the concrete industry, but also to change the way people think about concrete construction versus direct competitors like soft-wood lumber. In the presentation she explored the research that has gone into developing the program, the messaging that has been developed for the ready mixed concrete industry and how ready mixed concrete producers, contractors, builders and developers can be involved.

Here is the summary of the presentation by Kathleen Carr-Smith and Brett Ruffing, Senior Director, Communications and Public Affairs, Building Promotion with National Ready Mix Concrete Association;

““Build with Strength: A Coalition of the National Ready Mixed Concrete Association.

The presentation introduced the attendees to the multi-million dollar coordinated industry campaign to better educate the design/build and code communities about the benefits of concrete construction in the low- to mid-rise sector, and in general, and gave an update on where the campaign currently stands.

The campaign relies on an unprecedented communications strategy that includes a Build with Strength branded web site, video content, a multi-city media tour, rapid response capabilities, advertising, social media properties, and stakeholder engagement opportunities. Additionally, the campaign is designed to drive industry and project decision makers to resources such as webinars and live seminars for technical support and design assistance while also building an advocacy network that will support concrete’s position in building codes, standards and rating systems at the state and local level. To learn more about the campaign, please visit [BuildwithStrength.com](http://BuildwithStrength.com), and follow the campaign on Twitter, Linked In, Facebook, YouTube and Medium.”

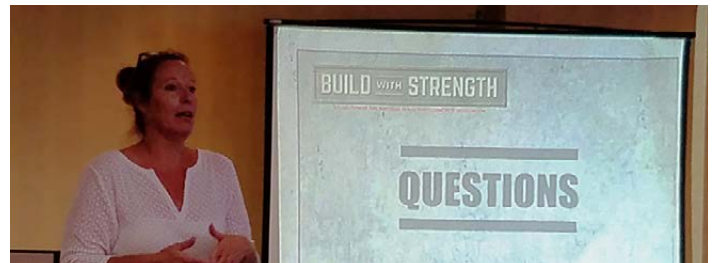
Also, the collateral for the campaign can be found on the BWS website- [www.buildwithstrength.com](http://www.buildwithstrength.com)”.

To view this presentation in its entirety, please click on this link: <http://www.vrmca.com/downloads/downloadcat.aspx?ID=13>

*Hessam Nabavi, Director of Industry Services*

*Kathleen Carr-Smith*

*Brett Ruffing*





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