

Educational Opportunities Abound in the Fall



hear Ken before, you know what a great orator he is. Ken will be debuting a brand new presentation! This will be great for engineers, architects, city officials, VDOT, Concrete finishers, Concrete Producers, and anyone who deals with concrete on job sites or in design.

November 9th, at the regularly scheduled Blue Ridge Council meeting, there will be a presentation on the NRMCA's Design Assistance Program. This presentation will focus on who is eligible for assistance, what the program will help you achieve, the turnaround time and so forth. This program would be beneficial for not only producers and suppliers, but also any specifiers and engineers.

As the summer ends and the weather starts to cool, educational opportunities are starting to heat up at VRMCA! From Virginia Beach to Roanoke, some great educational events are taking place all over the state. Not sure which one is one is best for you? Here is a break down on each of these opportunities and what you might expect.

First and foremost, the Fall convention! Some of the highlights were guest speakers Aubrey Layne, Secretary of Transportation; Dr. Dan Palazzolo for the University of Richmond, talking on Presidential Politics and the US Economy; Ryan Emmons, from Luckstone, with his amazing 'Technology Happens' presentation, and of course marketing updates from Otto Design. Those are just to name a few! All of these speakers had everyone walk out of the convention feeling like they learned a few new and interesting things.

Next on the calendar, the 2016 Concrete Symposium on October 11th in Roanoke. This event is presented by the American Concrete Institute, ACI, and co-sponsored by both the Southwest and Blue Ridge Marketing Councils. Ken Hover, PhD, PE, FACI will be presenting on the science behind the perfect concrete placement. If you have ever had the opportunity to

Finally, on December 6th the Southwest Advisory Council will host a Concrete Fibers Seminar in Roanoke. This event is actually a direct copy of the event that the Central Virginia Council hosted in August. In Roanoke, Boxley Concrete has generously allowed the use of one of their conference rooms and Michael Carter of Swope and Associates, has agreed to give the presentation. Michaels presentation takes an in-depth and often humorous look at some of the pit falls of welded wire fabric. He'll enlighten you on how concrete fibers can fix some of those issues and help your projects be completed on time, on budget, and correctly. Engineers and architects who attend can receive 1 PDH/CE hour.

No matter which of these awesome forums you choose to attend, you are sure to learn something and that's always a good use of a day! If you have any questions about any of the events, please feel free to reach out to me at Jason@vrmca.com.

Jason Connor, Director of Industry Services

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The VRMCA Fall Convention took place on October 2-4 at the Hilton VA Beach Oceanfront Hotel in Virginia Beach, VA with over 115 members, spouses, guests and speakers in attendance. Thank you to all who attended!

The meeting kicked off with a Welcome Reception & Dinner on Sunday evening, which gave attendees a time to socialize and meet new faces.

We began the Monday morning sessions by welcoming Dr. Dan Palazzolo back with us again who gave us a refreshing economic and Presidential politics update. Ryan Emmons, Director of Information Technology with Luck Stone, followed with a session titled Technology Happens. Members were excited to welcome Otto Design & Marketing Group, who unveiled the new VRMCA logo, mission statement, and the exciting plans that we have for concrete promotion in the near future! Be on the lookout in the upcoming weeks and months for updates!

Monday afternoon's weather was perfect for our golf tournament this year and attendees had a great time

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enjoying the beautiful Signature at West Neck course. Golf hole sponsors included: Allied, BASF, Chandler Concrete, Chaney Enterprises, Holcim, Lynchburg Ready Mix, Peterbilt, Rappahannock Concrete, Roanoke Cement, The SEFA Group, and Virginia Sand & Stone. Golf hole sponsorships benefit the VRMCA Political Action Committee.

Starting off Tuesday's sessions was Robert Garbini, President of NRMCA, who gave the membership an update on the NRMCA's Build with Strength Initiative. Jacki Thompson, with FordHarrison, then presented the 2016 Trends in Labor & Employment Law. Concluding our convention this year we were honored to have Secretary of Transportation Aubrey Layne join us as a guest speaker. All of these presentations will be available soon to view at www.vrmca.com.

We hope that you enjoyed the Convention this year, were able to take lots of great information back to your company and made connections with your colleagues throughout the industry.

Mark your calendars for our 2017 Spring Convention taking place May 7-9, 2017 at The Greenbrier in White Sulphur Springs, West Virginia!

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.

EEOC Issues New Enforcement Guidance Regarding Retaliation Claims

By John G. Kruchko and Nancy V. Holt*

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Executive Summary: For the first time since 1998, the Equal Employment Opportunity Commission (“EEOC”) has issued its final Enforcement Guidance regarding retaliation claims. The 76-page “Enforcement Guidance on Retaliation and Related Issues” emphasizes the agency’s broad interpretation of the protections afforded to employees who participate in EEO proceedings or complain about discriminatory practices.

Overview of Guidance. Nearly 45 percent of all EEOC charges include a claim for retaliation, making it the most frequent basis of alleged unlawful treatment. In an effort to address this trend, the EEOC published a new Enforcement Guidance regarding retaliation claims, as well as a user-friendly Questions-and-Answers reference guide and a Small Business Fact Sheet.

The Enforcement Guidance provides a comprehensive summary of the law regarding the retaliation provisions in Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Rehabilitation Act, the Equal Pay Act, and the Genetic Information Nondiscrimination Act. The Enforcement Guidance also includes real-world examples aimed at helping employers identify and prevent more nuanced examples of retaliation.

Employers should take particular note of the following:

• **EEOC Emphasizes “Expansive Definition” of Protected Activity.** The EEOC’s final Enforcement Guidance emphasizes that the term “protected activity” should be interpreted broadly. In particular, the EEOC emphasized that the so-called “participation clause” (which prohibits retaliation against persons filing, testifying in, or otherwise participating

in an EEO investigation or proceeding) protects employees who file or participate in an employer’s internal complaint or investigation process (not just those who file or participate in matters before the EEOC). Moreover, “participation” activity remains protected even if the underlying discrimination allegation is not based on a reasonable, good faith belief that a violation occurred.

The EEOC also followed the National Labor Relations Board’s lead and emphasized that protected activity often includes communicating with managers and co-workers to complain or ask about compensation.

• **Broad Definition of “Adverse Employment Action.”**

The EEOC also emphasized that unlawful retaliation encompasses not only tangible employment actions (e.g., termination, reduction in pay, demotion, etc.) but also any action that reasonably deters an employee from engaging in protected activity. This may include changing an employee’s work schedule, threatening reassignment to a different job classification, scrutinizing an employee’s work more harshly than the work of others, and refusing to investigate an employee’s complaints. Additionally, in a sharp expansion from prior trends, the EEOC suggests that adverse actions can include activities that aren’t work-related and take place outside of work. Moreover, the EEOC now appears to take the position that an adverse action could be taken against a third party who is closely linked to a complaining employee.

• **Causation.** The EEOC’s new Enforcement Guidance also advocates a more lenient causation standard. The EEOC opined that a “convincing mosaic” of circumstantial evidence may be all that is necessary for employees to prove that they suffered an adverse employment action because they engaged in protected activity. Perhaps most troubling for employers, the Enforcement Guidance suggests that an employee could go back years into his or her employment history in creating this “convincing mosaic.”

Employers’ Bottom Line: To prepare for the likely surge in retaliation claims prompted by the EEOC’s new guidance, employers should:

1. Update their anti-retaliation policies as necessary, including adding real-world examples and explicitly stating that: a) retaliation is prohibited by the organization,

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LEGAL REVIEW

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b) will be grounds for disciplinary action and c) employees are required to report accusations of retaliation. The policy should include multiple options for reporting retaliation to

ensure an employee is not required to make a report to the person accused of retaliation.

2. Provide training to all managers and non-supervisory employees on a regular basis regarding the prevention of retaliation.

3. Immediately notify an employee accused of discrimination that retaliation is prohibited and consider reassigning him/her to prevent the possibility of any retaliation.

4. Proactively follow up with employees who have complained of discriminatory treatment, either internally or to a federal or state agency, to ensure there are no concerns regarding retaliation.

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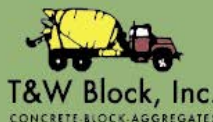
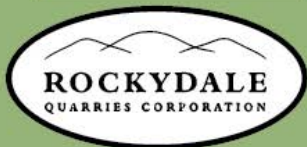
During the Fall Convention, the Board of Directors approved a new VRMCA Best of the Best Leadership Program. This eight-month leadership development program is designed to provide each participant with the opportunity to grow both personally and professionally, while also broadening their network base in an interactive environment. It consists of four sessions:

- Identify professional personality profile and learn how to work with others with similar and different profiles.
- Learn about the issues facing our industry on the Federal level and advocate for them in meetings with our Virginia Senators and Congressman.
- At the conclusion of the third session, the participants will be divided into teams and assigned a case study project focused on an issue or challenge facing the industry.
- After working on their case study project for 6-8 weeks, the teams will make a presentation to VRMCA membership during the Fall Convention.

The Board of Directors have appointed a committee to oversee the program and we expect the application process to begin around the first of the year. Please watch your inbox for additional information.

Thank You

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From The Ground Up

2016 DESIGN DC



“From the Ground Up” was the theme for this year’s Design DC Conference. Over 700 leading architects, designers, engineers, contractors and building industry practitioners gathered at the 11th Annual Design DC Conference, August 24-26, 2016 at the Walter E. Washington Convention Center in Washington DC. This three-day conference and trade show was designed to connect practitioners to the latest technologies and future opportunities. 50 plus exhibitors were offering information and insight to the latest trends, tools and technologies regarding building materials and design, promoting what lies ahead for the industry, the built environment in the region.

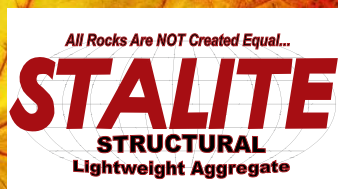
Design DC has become the premier event for the architectural industry in Northern Virginia and the Baltimore/ Washington Metro Area. “Design DC’s objective from its inception has been to create an environment where the design and construction professionals and the general public have the opportunity to learn about the latest capabilities and trends in the building industry.



The Design DC Conference was produced by the AIA Washington DC, AIA Potomac Valley, AIA Northern Virginia, the Mid-Atlantic Chapter of the International Interior Design Association (IIDA - MAC), the National Capital Area Chapter of the American Planning Association (APA - NCAC), and the Potomac Chapter of the American Society of Landscape Architects (POASLA).

Hessam Nabavi, Director of Industry Services

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