



Employee Handbook

Silver Mist Garden Center, Inc.

Issue date: March 1, 2019

INTRODUCTION

This handbook summarizes some of the employment policies, procedures and available benefits of Silver Mist Garden Center, Inc. (“Silver Mist”). It has been prepared to acquaint all employees with these policies, procedures and benefits, and to provide for Silver Mist’s orderly and efficient operation. **It is your responsibility to read and become familiar with this handbook and to follow the policies and procedures contained in it.** Most of your questions should be answered in this handbook. However, if you have questions regarding the handbook or matters that are not covered, please direct them to Dennis or the Office Manager.

Silver Mist’s management team may change the provisions of this handbook from time to time, without notice, pursuant to its views regarding the needs of Silver Mist with respect to effective administration, supervision, and personnel management. The management team invites employees to suggest appropriate changes and will give every consideration to such suggestions. Where there may be differences in interpretation of the provisions contained in this handbook, the interpretation of the management team will govern.

In setting the various policies contained in this handbook, it is Silver Mist’s intent to accord fair and equitable consideration to all employees. Terms of male or female gender used in this handbook shall apply equally to both genders unless context clearly requires otherwise.

EQUAL EMPLOYMENT OPPORTUNITY

This Company is an equal opportunity employer. It has been and shall continue to be Silver Mist’s policy to recognize the competence and ability of applicants for employment and existing employees. Silver Mist will provide equal employment opportunities to all individuals.

WORK HOURS AND WORK ENVIRONMENT

As part of Silver Mist, employees are encouraged to show initiative on the job and make constructive suggestions for improving operations. An employee who is interested in succeeding doesn’t just show up for work, but is prompt and regular in attendance, follows instructions and the rules, shows good, sound judgment, and cooperates with fellow workers in creating a safe and efficient work environment. Our payroll is based on pay per project. The more efficient you are, the more money you can make. If you are not happy or don’t agree with how your job is going, please let Dennis know. Don’t complain to other employees. Feedback on any job situation is most important as it will help Dennis manage better.

A. PAYROLL

Silver Mist’s payroll is based on a pay per project system. Starting hourly base rate will be \$10.00 per hour. Your performance rate will be your average hourly rate the previous payroll. The employee will get a percentage of sales for the project(s) that they complete during the pay period. (bi-weekly) Silver Mist has established a percentage rate that is

beneficial to the employees if the employee works hard and efficient. Current percentage rate for landscaping is 21% of sales that will be split between all crew members on that job(s) using your performance rate and your total hours worked. Current percentage rate for lawn maintenance is 29% of sales that will be split between all crew members on that job(s) using your performance rate and your total hours worked. All employees have the potential of making high hourly amounts as much as \$20.00 to \$40.00 per hour. **Using all the guidelines in this manual will help you be successful in earning potentially high amounts.** Initial _____

B. JOB COMPLETION

Setting goals for completion of a project is very important to keep your hourly pay/project at a maximum. All jobs have a sales amount that will require a minimum amount of time to complete. If a median target rate is not met, your 21% of sales will be reduced to 19% of sales. What this means is, if the job takes you longer to complete than quoted, the pay/project payout will be reduced from 21% of sales to 19% of sales that will be split between all crew members at your performance rate for all hours worked. If you are having difficulty completing jobs, notify Dennis immediately so that this can be addressed and get you back on track. Initial _____

C. ATTENDANCE

In order to provide proper coverage during the work days, Silver Mist has established a work schedule for all employees. Work schedules consist of Monday thru Friday, working at least 8 hours per day. This schedule may be altered by Dennis to ensure that jobs are completed. Winter hours may differ if it snows and we are scheduling snow removal. Not showing up when called in for snow removal will result in a pay per project reduction. Daily log sheets must be filled out daily. Failure to submit detailed, accurate documentation may result in an underpayment for your project. Employees are expected to be at work and prepared for the work day when their scheduled work day begins. Tardiness will not be tolerated. Silver Mist needs to know as soon as possible, in advance, any time an employee will be late or absent from work. You must notify Dennis as soon as you know that you will be late or absent, but in no event later than the start of your scheduled work day. This notification must be repeated every day that an employee will be absent. Any requested time off must be approved by Dennis prior to taking off. **An employee's failure to call in and report his absence may result in immediate termination or a pay per project reduction.** Initial _____

The office Manager will track and monitor all employees' attendance and report any attendance infractions to Dennis.

D. QUALITY WORK

Silver Mist requires all employees to have a high standard of quality work for our customers. If the customer is happy, everyone will be happy and the possibility for additional work required from the customer may be possible. Poor quality or incomplete work will not be tolerated. Do not cut corners, do the job correctly the first time. Time management and job efficiency will result in a higher paycheck. **If a job is not completed correctly or completely, employee will have to go back and fix any poor-quality work or incomplete work without pay.** Initial _____

E. WORK PERFORMANCE

When an employee is given a directive, it needs to be acted upon. Passing the job on to a co-worker because you don't want to do it is not permitted. Procrastinating and reasons for not getting the job done will result in a pay per project reduction. Purposely skipping customers on any snow or mow route will result in a pay per project reduction. Do not stand around doing nothing. Find some work to do to stay busy. Be creative. Your pay/project hourly pay depends on your performance and productivity. Initial _____

F. PRODUCTIVITY

Every employee needs to be productive each and every minute of the day. Our Pay per Project Payroll is based on performance and productivity. The more productive you are, the more money will be made. Do not waste time getting to your job site(s). The longer it takes you to get to your job site(s), the less time you have in the day to be productive. Do not leave your job site(s) early. If you are working on a task and can complete that task, don't leave it for the next day. Initial _____

G. TIMEKEEPING AND COMPENSATION

Daily log sheets are to be filled out daily. Name, date, crew members and job name are very important to be filled in. These log sheets are used for payroll and determining the payout for pay per project. In addition to a description of work completed, time taken for fueling vehicles, breakdowns or taking a lunch break, etc., needs to be documented. Daily log sheets will be monitored by Office Manager. Anyone falsifying their time will be subject to disciplinary action, including termination. In addition, employees will clock in and out daily in the office. It is everyone's responsibility to be clocked in and out daily. If you are having difficulty clocking in and out, please let the Office Manager or Dennis know. If employee fails to log in or out or requires additional office/management time to determine their worked time or request any other services, the cost of office/management time will be deducted from pay per project. If any office/management time or legal services are required in relation to employee for any reason employee must pay for these expenses prior to office or legal services being performed. Initial _____

H. EQUIPMENT

Silver Mist provides many types of equipment for you to use on your job. This equipment is to be used to be more efficient. Work smart, not hard. If you don't know how to operate a piece of equipment, find someone who knows how to teach you. **Do not operate any equipment unless you have been trained.** Proper routine maintenance is the employee's responsibility. If you are unsure of what type of maintenance is required, ask. Our Mechanic can instruct you on proper maintenance. All equipment must be brought back to Silver Mist daily or upon job completion. If the equipment you are using isn't running correctly or is broken, notify our Mechanic immediately. Failure to do so may result in a pay per project reduction. Initial _____

I. TOOLS

Silver Mist will provide you with all of the tools necessary for you to do your job with the exception of safety glasses. You are responsible for taking care of these tools and making sure that they are put away in their correct place daily. Any tools damaged by misuse or missing tools may result in a pay per project reduction for the cost of these tools. Report any defective or missing tools immediately. Initial _____

J. COMPANY VEHICLES

All Company vehicles are not to be used for personal use. It is the employee's responsibility to keep all vehicles cleaned and routinely maintained. If you are unsure of the requirements, ask Dennis or the Mechanic. Park all vehicles efficiently when you return to the shop so that the rest of the crews' vehicles will fit in the designated parking area. Initial _____

K. TELEPHONE CALLS AND CELL PHONES

Other than during lunch periods, personal phone calls and cell phone usage is prohibited. Listening to I-Pods, MP3 players or radios on job sites is prohibited. Cell phone usage while driving is prohibited. Employees found in an un-productive manner may be disciplined. Initial _____

L. HOUSEKEEPING

Good housekeeping reduces accidents and makes a company more efficient. It is everyone's responsibility to keep Silver Mist's premises, work sites, equipment and vehicles clean and neat. Remove garbage and personal items from vehicles daily. Unkept premises, work sites, equipment and vehicles may result in an unpaid assigned time to clean out the vehicles. Initial _____

M. SMOKING

Smoking is not allowed in Company vehicles, Company buildings or while working on a job site. Initial _____

N. TRANSPORTATION

The employee is responsible for arranging transportation to and from Silver Mist. Company vehicles will be available to employees to get them to and from the job site(s). Initial _____

O. HEALTH & WORKPLACE SAFETY

Your safety is important. Silver Mist works to ensure that you have safe working conditions. Being safe requires your cooperation. Be constantly on the alert for unsafe conditions or any situation which may lead to an injury to you, your co-workers, or customers. It is important that you understand and enforce the safety rules of Silver Mist. Please note that these rules do not encompass all guidelines for competent workplace behavior. Careless or negligent actions may still result in a pay per project reduction even if not specifically mentioned in this list. Unless otherwise noted, if any employee is caught breaking these rules, a pay per project reduction may be enforced.

1. Immediately notify Company management of any accident or injury.
2. Do not operate any equipment unless you are fully trained.
3. Drivers must use caution when driving and operating vehicles and equipment to avoid any accidents.
4. Unauthorized passengers are not allowed in Silver Mist vehicles.
5. Always use appropriate safety measures such as protective eyewear, gloves, steel toe shoes and ear protection.
6. Always use and operate equipment as they are designed to be used. Report any unsafe equipment or sites to Dennis or the Office Manager immediately.
7. Any chemical type spills will be cleaned up immediately and proper disposal procedures will be followed.
8. Keep work areas clean and orderly.
9. Because of continual exposure to the sun when doing landscaping work, employees are advised to wear some type of sun protection, i.e. hat, visor and sunscreen. Each employee is responsible for providing his or her own sun protection. Initial _____

P. SUBSTANCE ABUSE POLICY

Employees must report to work free of drugs, intoxicants, alcohol, narcotics, or any other controlled substances. Employees may be disciplined, up to and including discharge for possession, consumption, purchasing, selling and not being free of or use of any substances. Initial _____

When Silver Mist has reasonable suspicion that an employee is in violation of this policy, Silver Mist reserves the right to ask an employee to undergo a drug and/or alcohol test, and to search handbags, backpacks, lunch boxes, and vehicles located on Company premises. Initial _____

Occasionally, prescription medication can cause adverse side effects, such as drowsiness or impaired reflexes. Because these side effects may affect job performance or cause safety problems, employees who must use such prescription medication are asked to inform Dennis or the Office Manager that their medication may cause such side effects. Dennis or the Office Manager may assign the employee different duties or instruct them to go home. Initial _____

CREW GUIDELINES AND REPERCUSSIONS

Please note that these guidelines do not encompass all guidelines for competent workplace behavior. Careless or negligent actions may still result in a pay per project reduction even if not specifically mentioned in this list.

- Late attendance will not be tolerated
- Log sheets must be filled out daily
- Any accident or injury must be reported immediately
- Do not operate any piece of equipment unless fully trained
- Profanity at any time will not be tolerated
- Alcohol or controlled substance use will not be tolerated
- Absolutely no smoking or vaping allowed on job site, Company buildings or in any Company vehicle
- Tools and equipment must be brought back and put away in their correct place daily unless Dennis approves to leave at job site(s)
- Equipment and vehicles must be cleaned out daily
- Any chemical spills must be cleaned up immediately and proper disposal procedures will be followed
- Always loosen root balls of plant before planting
- Do not have mulch touching/mounding around tree trunk bark

- Do not track dirt on pavers, driveways, walkways, etc. as you plant

Initial _____

INSURANCE BENEFITS

Silver Mist does not provide insurance benefits. Initial _____

HOLIDAYS AND VACATIONS

Employees are not entitled to time off for holidays or vacations because Silver Mist's business is seasonal and may require operations seven days a week depending on customer's needs. Initial _____

VOLUNTARY TERMINATION OF EMPLOYMENT

An employee who terminates his or her employment with Silver Mist voluntarily is expected to give Silver Mist reasonable notice (two weeks) in writing so a replacement may be found. An employee should submit this notice to Silver Mist's management. In the event employee does not give a two-week notice, employee will not be eligible for bonus pay/project and may be paid their base rate pay for any hours owed. Initial _____

NON-COMPETE/CONFIDENTIALITY AGREEMENT

This agreement is made by and between Silver Mist Garden Center and related companies including Silver Mist Greenhouse LLC and Timm Construction & Engineering LLC with principal offices at N2270 Highway 22, Waupaca, WI 54981 (thereafter "employer") and _____ currently residing at _____ (hereafter "Employee")

RECITALS

WHEREAS, Employer desires to hire Employee upon an "at will basis; and

WHEREAS, in order to induce Employer to hire him/her, Employee has agreed to enter into a non-compete agreement;

NOW THEREFORE, the parties agree as follows:

1. **Non-Compete.** Upon the termination of Employee's employment for Employer, regardless of the reason for termination of employment, Employee agrees not to engage in business of landscaping or landscaping maintenance, installation or maintenance of irrigation systems, operation of a greenhouse, or the engineering or manufacture of wee harvesters either in Employee's own name or under a name of another, as principal or as an employee, in the following geographic area: within 30 miles of the City of Waupaca, Wisconsin for a period of three years from the date of the termination of employment.

2. **Confidentiality.** Employee shall not disclose any business sensitive information concerning Employer. Disclosure of confidential information includes but is not be limited to: customer lists for sales/service, payment ledger pricing, trade secrets, patent information, and suppliers.
3. **Consideration.** This agreement is made for good, adequate consideration, the sufficiency of which is hereby admitted and acknowledged by all parties hereto.
4. **Enforcement.** This agreement may be enforced by an action for injunction relief and/or and action for damages at law in the event of any violation of this Agreement by a party. Any actions for enforcement of the Agreement shall be governed by the laws of the State of Wisconsin.
5. **Complete Agreement.** This constitutes the complete agreement between the parties hereto and there have been no other oral or written representations, warranties or agreements relied upon by the parties hereto unless in writing and signed by the party to be bound.
6. **Persons Bound.** This Agreement shall be binding on the parties hereto and their respective heirs, successors and assigns.

Employee Name	Date
Dennis Timm Silver Mist Garden Center, Inc Timm Construction & Engineering, LLC	Silver Mist Greenhouse, LLC

THIS INSTRUMENT WAS DRAFTED BY: Hansen, Shambeau, Maroney, Anderson & Parry, S.C.
Attorneys at Law, PO Box 111, Waupaca, WI 54981

RECEIPT

I acknowledge that I have received and read the March 1, 2019 edition of Silver Mist Garden Center’s Employee Handbook and understand its provisions. I understand that Silver Mist may modify or eliminate the terms described in the employee handbook at any time, with or without notice. I further understand that Silver Mist’s employee handbook and any provisions contained in the handbook do not constitute a guarantee of employment, a guarantee of any other rights or benefits, or a contract of employment, express or implied. I understand that my employment is at-will and that my employment may be terminated at any time for any reason, with or without cause and with or without notice, at the option of Silver Mist or at my option. I understand that all information in this policy is confidential.

Date: _____

Signature of Employee