

Westchester Landscape Depot, Inc.



2003 Employee Handbook & Personnel Policy Manual

Doing Business As:

Westchester Landscape Depot
34 Evans Street
New Rochelle, NY 10801

Westchester Masonry Depot
547 Yonkers Avenue
Yonkers, NY 10704

Rockland Masonry Depot
300 Route 303 North
Congers, NY 10920

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Section 1: Company Policies, Philosophies And Goals

Policy Statement: Westchester Landscape Depot, Incorporated is an equal opportunity employer. It is our policy to provide opportunity to any prospective employee regardless of race, color, national origin, religion, age, veteran status, handicap, disability, sex, marital status or sexual orientation. Disciplinary action will be taken against anyone who violates this policy.

Handbook Purpose: This employee handbook is designed to serve as an introduction to our Company's personnel policies, employee benefits, services and other pertinent employment information. By providing a summary of our policies, as well as a guideline to our procedures as practiced, the Company by no means either expresses or implies any employment or contractual rights. Employment at Westchester Landscape Depot, Inc. is not offered, promised or contracted for any specific length of time. Both the employer and the employee withhold the right to terminate employment at will and at any time.

The Company may from time to time make changes to our policies and procedures. Employees will be informed of any changes as they take place and are responsible for abiding by all rules and learning all policies described herein.

Company Philosophy: The cornerstone to Westchester Landscape Depot's success has been the strong commitment both the management and employees have toward customer satisfaction and service. We have grown from a small equipment & landscape materials yard to a three yard landscape, masonry & equipment supply chain; each year increasing both our product mix and market share. We strive to provide a professional, growth-oriented environment with constant focus on the future.

1. We continually invest in the resources needed to provide employees the tools they need to meet our Company goals.
2. We work as a team and work toward sharing the rewards of our Company's success.
3. We are willing to take conscious risks recognizing that in pushing the limits of our capabilities we grow as individuals and as a Company.
4. We are honest and fair-minded and expect all employees to mirror those ethics.
5. We personally care about the success of both our customers and our employees.

Section 2: Company And Employment Definitions

Our Corporate Name is Westchester Landscape Depot, Inc., doing business as either:

1. *Westchester Landscape and Masonry Depot*

Located on 34 Evans Street, New Rochelle NY 10803

2. *Westchester Masonry Depot*

Located on 547 Yonkers Avenue, Yonkers, NY 10704

3. *Rockland Masonry & Landscape Depot*

Located on: 300 Route 303 North, Congers, NY 10920

Employment Definitions

A. The Company's Fiscal Year begins March 1st and concludes on the last day of February in the following calendar year.

B. Employment: Full-Time Employment is defined as anyone who works an average in excess of thirty hours per week, pro-rated annually based on commencement of employment within the Company's fiscal year. Part-Time Employment is defined as anyone who works an average less than thirty hours per week, pro-rated annually based on commencement of employment within the Company's fiscal year.

C. Hourly Employee: A staff member whose weekly compensation is paid on an hourly basis

D. Salaried Employee: A staff member whose compensation is set at a static, weekly rate.

E. Management: A Supervisor is defined as the administrator of your department or manager of the store. A Foreman is defined as the crew chief of operations within the material or supply yard.

F. Paid Leave: The Company makes no distinction between personal leave, sick days or vacation leave.

Section 3: Employment And Compensation Policies

3.1 UPON EMPLOYMENT

At the commencement of employment, all new employees are required fill out and submit a Federal W-4 Employee Withholding Allowance Certificate and a Federal I-9 Employment Eligibility Verification Form. New employees must read and understand the contents of this Employee Handbook and all other Federal and State labor policies posted at all locations.

3.2 PAY PERIODS

The pay period starts on 3:30PM Wednesday and ends exactly week later. Paychecks are issued weekly: 2 days following the end of the pay period on Fridays.

3.3 RECORDING OF HOURS

All hourly employees are required punch in at the start of work, punch both in and out for lunch breaks and punch out upon leaving work.

3.4 DAILY BREAKS

All hourly employees are given two 15-minute breaks on weekdays, with pay. A break is given in the morning and another in the late afternoon. A 30-minute lunch break is provided without compensation. The timing of all breaks is at the supervisor or foreman's discretion.

3.5 OVERTIME

Any hourly employee working more than forty hours in a week will be paid at 1½ times their hourly pay rate. On weeks where a paid holiday or paid leave is given, the employee will be credited eight hours for that day or days.

3.6 COMPENSATION

All starting salaries or wages will be negotiable but will be at least equal to the current federal minimum wage. When economically feasible, annual increases will be given. The main factor, which shall be considered in determining salary increases, is job performance.

3.7 EVALUATIONS AND REVIEWS

A new staff member's first formal review will take place prior to the end of a training period, usually after three months. Performance evaluations will be made annually thereafter.

3.8 MEDICAL COVERAGE

All full-time employees are eligible for medical coverage after three months of employment. The definition of which is specified, described and enumerated by the insurance carrier or coverage provider. Medical benefits and coverage are subject to change without notice.

3.9 RETIREMENT BENEFITS

All employees are entitled to contribute to a 401 K plan without a waiting period. Further details and regulations as described by law are available upon request.

Section 4: Paid Employment Leave

4.1 HOLIDAYS

Following the three-month review period, all full-time employees are entitled to the following paid holidays:

- A. New Year's Day
- B. Memorial Day
- C. Independence Day
- D. Labor Day
- E. Thanksgiving
- F. Christmas
- G. December 26th

4.2 PAID LEAVE

Paid leave days are defined as either: sick days, vacation days or personal days. Following the three-month review period, all full-time employees are eligible for 5 paid days of leave pro-rated on the Company's fiscal year. In the subsequent years, paid leave is earned & pro-rated as follows:

- A. After 2 full years: Full-time employees are eligible for a total of 10 days paid leave.
- B. After 3 full years: Full-time employees are eligible for a total of 15 days paid leave.
- C. After 6 full years: Full-time employees are eligible for a total of 20 days paid leave.

Paid leave days are earned within the Company's fiscal year calendar (March 1 through End-of-Month February). Paid leave vacation days scheduling must be approved through the store manager / supervisor to avoid conflicts and to maintain operating efficiency. If a holiday should fall during a vacation period it is not counted against the vacation allowance. Paid leave cannot be taken before it is earned and the minimum amount of paid leave that may be taken is one half day.

4.3 FISCAL YEAR PRO-RATED LEAVE TIME

On the first, and following the second, third and sixth year of service in the Company, where five days of paid leave time are earned, the following schedule, based on the Company's fiscal year, will apply:

- A. At the last payday at the end of each month, from April through January, one half Day of paid leave will be earned.
- B. Example: One full day of paid leave is earned on the last Friday of May, July, September, November and January.

4.4 UNUSED LEAVE TIME

Any accumulated, unused paid leave time accrued by active employees at the end of the fiscal year shall be paid in the following fiscal year. Upon dismissal or resignation, and unused paid leave time shall be given in the form of compensation as if the employee were still on the payroll for that amount of time. Lump sum payments may be made at the discretion of management.

Section 5: Unpaid Employment Leave

5.1 LEAVE WITHOUT PAY

Leaves without pay for: bereavement, imprisonment / incarceration, illness, rehabilitation, study or other reasons may be allowed by management. The decision on whether the absence will be considered a leave or a resignation with the privilege of re-applying for employment, shall depend upon whether or not the work load can be carried on by remaining staff or a temporary substitute.

5.2 MILITARY LEAVE

All full-time employees of the Company who are members of the National Guard, organized reserves or any component part of the military, naval, or air forces of New York State or the United States, or who may be otherwise inducted into the military service of New York or of the United States, shall, when ordered by proper authority to active or Federal service, be entitled to a leave of absence from employment without pay for the period of such service without loss of status or seniority. Throughout service, medical benefits may be continued for a period of up to one year at the discretion of management.

5.3 JURY DUTY

Employees shall be granted leave without pay when required to be absent to serve as either a court witness or on jury duty. Any employee on a jury panel or serving as a court witness shall return to work for the balance of the day when excused by the court from further attendance. Upon completion of service, employees may return to work without loss of status or seniority.

5.4 MATERNITY LEAVE

Maximum two (2) months maternity leave without pay may be granted. Special arrangements for longer leave periods may be possible under unusual circumstances and with management's approval.

5.5 INCLEMENT WEATHER

The Company shall be open for business as long as management deems it safe for employees to travel. In the event of closure management will attempt to notify all employees. When the Company is closed for a full day due to weather conditions, employees will be credited 8 hours. In the event the Company is open and an employee can't get to work due to weather, the employee may choose to take a day of paid or unpaid leave. All employees are not guaranteed the same number of hours off for inclement weather, dependent upon their schedule.

Section 6: General Company Rules

6.1 ALCOHOL & DRUG USE

It is prohibited to use, consume or be intoxicated by alcohol and/or controlled substances at work. Any manufacture, distribution, possession, dispensing, sale or transfer of alcohol and/or controlled substances while at work is prohibited. Medically prescribed or physician directed use of controlled substances are exempt from this policy.

6.2 RACIAL & SEXUAL HARASSMENT

Racial and sexual harassment is a violation of the Civil Rights Act of 1964 and the policies of the Company. Such harassment creates an intimidating, hostile or offensive working environment not conducive to efficient Company operations. Workers violating the policy opposing racial and sexual harassment will be subject to disciplinary action up to and including dismissal. Any employee who believes that he or she has been or is being subjected to racial or sexual harassment shall promptly report the problem to management. All complaints shall be promptly and confidentially investigated, and prompt corrective action shall be taken, if necessary.

6.3 AMERICAN WITH DISABILITIES ACT

Discrimination on the basis of disability is a violation of the Americans with Disabilities Act of 1990 and the policies of the Company. It is the intent of the Company to provide reasonable accommodations to a disabled employee or prospective employee capable of performing the essential functions of a particular position.

6.4 EQUIPMENT & INFORMATION USE

Company equipment (computers, telephones, fax machine, etc.), proprietary information (material pricing / costs, customer / vendor information, etc.) and supplies (for the office, shops, yard or store) are Company property and are provided for the use of staff for the purpose of conducting and expediting business.

6.5 COMPUTERS

All personal use of computers, including electronic mail and the Internet, should be done on the employee's own time. Personal computer use should not interfere with any work-related activity. Computer games are not to be played on library computers on library time. With the exception of Company data on the Triad Eagle System, no assumption should be made that any information transmitted or stored electronically is confidential or private. Company employees should respect others right to privacy and not attempt to gain access to any private files or messages not addressed to them. All employees waive any right to privacy in e-mail messages and computer files on Company computers and consent to the access and disclosure of such files by authorized Company personnel. Any activity carried out on a computer that is deemed illegal by law will be cause for immediate dismissal.

6.6 SMOKING

Smoking is prohibited in all indoor areas of the Company property and in all vehicles.

Section 7: Company Conduct Policies

7.1 HIRING & PROMOTION POLICIES

Selection and promotion of staff members is based solely on merit. Appointments, promotions, and salary increases shall be made without regard to race, color, disability, sex, age, religion, national origin or any other basis prohibited by law. All employees of Westchester Landscape Depot, Inc. are "employees-at-will." The Company or its' employees may terminate the employment relationship at any time, with or without cause.

7.2 CODES OF CONDUCT

The following conduct shall not be permitted in the workplace.

- A. Negative attitude towards customers, fellow employees or management
- B. Tardiness, excessive absence or early departures to or from the workplace
- C. Appearing for work while under the influence of alcohol or illegal drugs
- D. Willful destruction of Company property, equipment, vehicles or material
- E. Theft of Company or customer materials, merchandise, property or funds
- F. Failure to obey direct orders from management or supervisors.

This list is not an exhaustive and other offenses may also result in either a verbal warning or immediate dismissal.

7.3 DISCIPLINE

If the employee fails to obey work rules deemed suitable by a supervisor, or perform his or her job efficiently, the following actions may be taken after initial counsel has failed.

- A. *First Warning:* A supervisor or manager will discuss the problem with the employee and point out necessary corrective actions. The employee may be asked to sign a report of this warning, at which time a copy will be provided and the original placed in their personnel records.
- B. *Second Warning:* A second warning may be issued by a supervisor if the employee continues to have problems of performance or conduct. The employee may be asked to sign a report of this warning, at which time a copy will be provided and the original placed in their personnel records.
- C. *Termination:* Continued performance or conduct problems may result in termination of employment, with or without prior warning.

7.4 DISMISSALS

Management has the authority to dismiss any employee for violations of work rules or inefficiency on the job. The Company may terminate the employment relationship at any time.

7.5 RESIGNATIONS

Resignations are to be made in writing to either the supervisor or management. Salaried personnel are requested to give twenty (20) working days notice of intended resignation date. Hourly personnel are requested to give a ten (10) working day notice. Accrued vacation time will not be counted in the notification period.

Section 8: Company Safety & Attire Policies

8.1 COMPANY ATTIRE

All employees are required to wear work / safety boots throughout the year. Sneakers are not permitted. Clothing is expected to be neat and clean. On hot summer days, short pants are permitted. Shirts must be worn at all times.

8.2 SAFETY EQUIPMENT

Protective eyewear, respirators and clothing must be worn when cutting, grinding or finishing materials. Employees must comply with all tool, equipment or machinery manufacturers' operational safety requirements.

8.3 OPERATION OF COMMERCIAL VEHICLES

All commercially licensed drivers must have a clean C.D.L. without violations. If an employee commits a moving or safety violation during the operation of Company vehicles, management reserves the right to demote or dismiss an employee. In the event of an accident, the operator of the vehicle will be expected to submit an accident report. Westchester Landscape Depot, Inc. is in full compliance with all New York State D.O.T (Department of Transportation) codes and requires all drivers to comply with all rules, regulations and tests set forth heretofore.

8.4 OPERATION OF YARD EQUIPMENT AND FORKLIFTS

All yard employees will be required to pass a test given by the Occupational Safety & Health Administration. Failure to pass both the written and observational parts of the test will result in demotion or dismissal.

8.5 CARE AND SAFETY OF EQUIPMENT

Yard employees are required to operate all equipment in a safe manner. Anyone operating machinery in an unsafe or abusive manner will be subject to immediate dismissal.

8.6 ON-THE-JOB INJURIES

Employees are required by Workers Compensation law to provide immediate notification in the event an on-the-job injury. A C-2 Accident Form must be submitted as soon as possible. Further information on Workers Compensation policies are posted at all Company locations.

Section 9: Effective Date

This Personnel Policy Handbook was adopted by the Company to be effective on and after March 1, 2001. Amended February 1, 2003.

Section 10: Employee Acknowledgement

I acknowledge that I have read and understand the contents of the Westchester Landscape Depot, Inc. Employee Handbook. I likewise acknowledge that if I had any questions; management has answered them to my satisfaction.

Furthermore, I have read and understand all Federal and New York State Dept. of Labor policies, rights and regulations posted at Company locations.

I understand that I am an employee-at-will. Accordingly, either Westchester Landscape Depot, Inc., or I may terminate our employment relationship at any time, either with or without cause.

I understand that neither this Personnel Policy Handbook nor any other written or oral statements by the Company or its representatives are contracts of employment. This Handbook is effective immediately and supersedes all former personnel policies.

Employee

Date