

CONDITIONAL MEMORANDUM OF UNDERSTANDING

COMES NOW, JAMES ROBERTSON, III, hereinafter referred to as "EMPLOYEE" and ROBERT BENNY COLEMAN, hereinafter referred to as "SUPERVISOR" and the TOWN OF CALEDONIA, MISSISSIPPI, hereinafter referred to as "TOWN" and do agree as follows, to-wit:

1. Certain various and sundry differences have come to pass and exist between the EMPLOYEE and the SUPERVISOR. That part and partial of said problems is the obtaining or passing of a Water Operator's Certification Examination by the EMPLOYEE during June 2011. Pursuant to rules and regulations of the Mississippi Department of Health and the State of Mississippi, said operator's license certification must be executed by a supervisor or a licensed operator being familiar with the work of the EMPLOYEE for at least three (3) consecutive years.
2. The EMPLOYEE has not conducted himself in an exemplary or workman like manner to the satisfaction of the SUPERVISOR and thus the above mentioned certificate has not been executed. The Parties wish to bring about a reconciliation or favorable conclusion to said situation concerning the EMPLOYEE having an unexecuted and uncertified certificate of completion of his Water Operator's Certificate/License.
3. For a period of sixty (60) days upon the execution of the Memorandum, the EMPLOYEE shall be given a \$1.00 per hour pay increase and during said sixty (60) days or conditional time period; the EMPLOYEE shall act and show his ability to conduct, understand, maintain and articulate his skills and workmanship in a degree and manner which shows the TOWN and the SUPERVISOR he understands any and all relevant duties, specifications and curriculum of a certified Water Operator within the State of Mississippi. Said duties shall include but not be limited to the following:

- a. Punctuality
- b. Work Attendance
- c. Understanding of water transmission, circulation and use.
- d. Basic understanding of money, money use and cost of operations.
- e. Water purification, clarification and making, maintaining and transmitting potable water.
- f. Honesty and integrity
- g. Basic understanding of work, duty, loyalty and fidelity to SUPERVISOR.

The above or majority of the requirements which must be observed and maintained by the EMPLOYEE, and observed by the SUPERVISOR, and any TOWN officials deemed by the Mayor and Board of Alderman to also view same.

4. Upon satisfactory completion of the above duties, regulations and requirements, the \$1.00 per hour shall be permanent and become part and parcel of the wage/compensation of the EMPLOYEE; and the SUPERVISOR shall further execute and sign the Operator's Certificate issued to the EMPLOYEE and said EMPLOYEE shall be considered, thereafter in all premises, a certified and completely authorized Water Operator.

5. However, if the EMPLOYEE does not show the requisite skills, duties, attitude and requirements, said \$1.00 per hour shall cease and the SUPERVISOR is not required to execute the above mentioned Operator's Certificate received by the EMPLOYEE in June 2011.

6. It is the intent of this Memorandum to place in writing, objective criteria to measure the skill, attitude and understanding, as well as acumen and requisite knowledge of water operation, transmission and usage in the State of Mississippi by the EMPLOYEE. It is also an attempt to remove and arbitrary standards of the TOWN or the SUPERVISOR for the

employee, to further relieve a situation, which has become tense and almost untenable by all parties to this agreement.

This Memorandum shall be binding upon the Parties, their heirs, assigns and personal representatives and shall not be amended unless reduced to writing and signed by all parties.

WITNESS THE SIGNATURE, of the undersigned Parties on this the ____ day of _____, 2012.

TOWN OF CALEDONIA, MISSISSIPPI

JAMES ROBERTSON, III, Employee

BY: _____
GEORGE GERHART, Mayor

ROBERT BENNY COLEMAN, Supervisor