



Just a Little More Time

Your employment agreement is up for renegotiation. As you review your existing agreement and go through your checklist of items that give you concern, take a look at the provision that protects you from termination before or following an election.

Is there any reason to change that provision? Maybe there is!

The employment of one of our city manager clients was terminated just one day after the 90-day post-election protection period had ended.

Our client was lucky and landed on his feet immediately. As we worked with him during the negotiation of his new employment contract, he asked us to bargain for a longer post-election protection period. In his own words, here's why:

“The election in my last city was in early November. The two new council members were not seated until the second week of December. That meeting was only ceremonial. One of the newly-elected council members left the state for the next four weeks. The councilmember's absence, plus the time consumed by the Thanksgiving, Christmas and New Year's holidays, greatly limited my interaction with the newly-elected councilmembers. The Council's next meeting was not until January 19th. The Council decided to terminate me at the very next meeting on February 9th, which was exactly 91 days from the November election. If I had just a little more time to work with the two new councilmembers, building relationships with them before and during two more council meetings, that may have given me enough time to demonstrate my value to the Council and the City.”

The new Council, at the new city, did not bat an eye in agreeing to a protection period of 90 days before the election, and 120 days following.

What if the Municipal Code provides for different periods of protection, such as only 90 days after an election? Is an amendment to the Municipal Code required? The answer is no. Just make sure there is a provision that if there is a conflict between the Municipal Code and your employment agreement, the employment agreement's protection supersedes that of the Municipal Code.

So remember, you may save yourself significant hardship in the future by requesting "just a little more time."