



**Michigan
Municipal
Executives**

Member in Transition Guide

2019

A Guide for Members in Transition
Prepared by the Michigan Municipal Executive Association

Table of Contents

WHAT TO DO WHEN ASKED TO RESIGN.....	3
IMMEDIATE STEPS	4
EXIT STRATEGY	5
LEGAL ASSISTANCE.....	5
SEVERANCE CHECKLIST	6
PRESS RELATIONS.....	7
WHAT THE MANAGER/ADMINISTRATOR SHOULD DO AFTER RESIGNING: “THE MILLER RULES”	8
ICMA SERVICES	10
JOB SEARCH AND GUIDANCE	11
MME MEMBERSHIP RESPONSIBILITIES	12
APPENDIX A	13
APPENDIX B	14

INTRODUCTION

Finding yourself in transition happens to the best of us. It is a difficult period for you and your family. Grant yourself the time and grace necessary to make the right decisions as you move forward to your next opportunity. Your fellow managers are a solid source of support, friendship and ideas. Use them. We're here for each other.

This guide is meant to serve as a resource for those Michigan managers/administrators and assistants who are "in transition." It is designed to assist managers in transition within their own comfort zone. Every effort has been made to respect the manager in transition's dignity, desire for privacy and comfort with each level of support available.

One must be a Michigan Municipal Executives Association (MME) member in good standing to receive the benefits of this program. Your MME memberships follow you! They do not stay with your municipality, village, township or county.

WHAT TO DO WHEN ASKED TO RESIGN

1. Do not volunteer your resignation until you have worked out a satisfactory written separation/severance agreement approved by the council/board ("see appendix B"). Negotiating a separation agreement in a closed session is in accordance with the Open Meetings Act.
2. Councils/boards usually want the manager to resign quietly to avoid public controversy. This is an advantage that you can and should use to secure an agreeable separation agreement.
3. Frequently, managers/administrators feel they should promptly accede to a resignation request, but, upon reflection, decide they should not resign unless they can do so "on terms they can live with."
4. Councils/boards usually are willing to provide severance benefits (dollars, time and employee fringes) if the manager/administrator will voluntarily submit his/her resignation. Often those benefits are larger than those provided for in the manager's employment agreement.
5. Managers/administrators should consider hiring an attorney versed in employment law to negotiate a written severance agreement detailing the terms of separation. This is recommended to avoid any misunderstandings and to negotiate a better severance than the manager may gain by himself/herself. ("See Appendix A")

IMMEDIATE STEPS

1. If you are a member of ICMA, call ICMA Member Services at 202-962-3680 or e-mail them at membership@icma.org to notify them of your change in status. ICMA can provide information about positions available throughout the country. You can also seek advice from ICMA's members in transition staff. ICMA information is also available at its website: www.icma.org.
2. Call the MME staff liaison Summer Minnick at 517-908-0302 or e-mail sminnick@mml.org to notify MME of your change in status. Give MME your updated home address, phone number and e-mail so you can continue to receive correspondence or go online to www.mme.org and update your personal information in your member profile.
3. Call your regional Manager's in Transition representative to go over your situation and to set up a support network.

Frank Walsh, Manager
Meridian Township
515 Marsh Road
Okemos, MI 48864
walsh@meridian.mi.us
W 517.853.4258

Ben Swayze, Manager
Cascade Township
2865 Thornhills SE
Grand Rapids, MI 49546
616-540-9453 (Cell)
616-949-1326 (Direct Office)
bswayze@cascadetwp.com

Marty Colburn, City Manager
City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684
231-922-4440 (Office)
231-649-0871 (Cell)
mcolburn@traversecitymi.gov

Mitch Deisch, Administrator
Benzie County
448 Court Place
Beulah, MI 49617
231-882-0558 (Direct Office)
231-887-5052 (Cell)
mdeisch@benzieco.net

4. Check the status of your health insurance coverage. Explore other insurance options if available i.e. through a spouse or other organization. Apply for COBRA benefits if necessary.
5. Contact one of the attorneys listed in Appendix A or your own personal attorney if you have questions about the severance portion of your contract or to review it with counsel.
6. Apply for unemployment insurance by contacting your local state employment office. Depending on the details of your settlement, rules may vary.
7. Contact neighboring administrators/managers and let them know your status.
8. Contact any member of the MME Board of Directors, MME Managers in Transition Committee or any MME member with whom you are acquainted for general support and information.
9. Look for interim jobs in communities that have special projects or with local colleges.
10. Network with regional commissions and public, non-profit and university entities and private sector consulting firms to identify temporary assignments for managers in transition (MIT's).
11. Update your resume and interviewing skills.
12. Consider counseling for yourself and your family. Check the MME newsletter, MME website, ICMA newsletter, ICMA website (www.icma.org) Member Benefits section and Members in Transition section, ASPA newsletter, college placement office, outplacement firms and executive search firms for possible employment.
13. Check into the variety of reading material available regarding life changes and transforming disappointment. For more information visit your local library or bookstore.

EXIT STRATEGY

It is important for the manager/administrator to have an exit strategy to help control how one leaves their job. This strategy includes legal assistance and the need for a severance or separation agreement as well as how the former employer will be making your termination public.

LEGAL ASSISTANCE

MME has developed a list of attorneys with specialized knowledge in the field of municipal government and labor relations in Michigan (see Appendix A). These attorneys can advise and/or represent managers and administrators in negotiations with village or town boards, city councils or county boards regarding severance agreements. Many attorneys with this specialized

knowledge often represent cities and are reluctant to take cases in opposition to cities. However, the attorneys on this list have the specialized experience and are interested in taking such cases.

SEVERANCE CHECKLIST

The following was taken from the California City Management Foundation publication “Resource Guide for City Managers in Transition.” You may want to consider these suggestions when discussing your severance agreement with your attorney.

These comments were offered by city managers based on their experiences in the separation process. Several managers noted it is best for all severance provisions to be provided in advance in the employment agreement. However, since it is usually not possible to consider, during pre-employment negotiations, everything that could be of concern later, the following suggestions may assist managers/administrators going through a separation process. Speaking with other managers who have gone through a similar experience and reviewing other separation agreements may also be helpful.

1. Hire an attorney who is familiar with public sector chief executives and consult with him/her before making any formal or informal agreements with the council/board. Don’t try to work out an agreement by yourself, even if you think you can represent your own interest. You may regret it later.
2. Stipulate in the separation agreement who can speak to the press and what he/she will say. Add accountability into the separation agreement (for example, if the manager violates the “speak no evil about the council” provision, severance provisions would cease; if the council/board violates it, severance would double).
3. Get a letter(s) of reference signed at the time the separation agreement is executed.
4. Stipulate who will respond to employment verification inquiries and the information that person is permitted to convey. For instance, in addition to dates of employment, you may agree upon a list of your accomplishments to be communicated and/or specific areas that are prohibited.
5. Obtain continued medical benefits for a period of time after separation.
6. Secure payment of all sick leave, administrative leave and vacation leave.
7. Weigh the advantages/disadvantages of a payoff of contract terms vs. staying on the payroll. IRS rules will impose a 25% severance/separation tax upon any lump sum payout.
8. Secure payment or advanced vesting of any deferred compensation (retirement, 457, Roth IRA, etc...) that may be due to you, even if the payment or vesting date is beyond your termination date.

9. If the council/board expects to receive advice or assistance from the manager/administrator after the separation, make sure the length of the commitment and the compensation are clear.
10. Negotiate for the use of the municipality's automobile, office space, clerical assistance and office equipment for a specified period of time.
11. Obtain outplacement services paid by the local unit of government.
12. Download your internet bookmarks, print out or copy your electronic address books, get a personal computer, e-mail address, and business cards; decide which work-related periodicals you want to personally subscribe to; and maintain contact with your area managers group and other professional associations.
13. Write out a list of the organization's accomplishments during your tenure as manager/administrator for future reference as you begin your job search.
14. Update your resume and information with personal email address and phone number.
15. Ensure your separation agreement allows you to be eligible for unemployment benefits.

A Sample Severance agreement has been provided as Appendix B. If you decide to use the agreement, review it with your personal legal counsel prior to execution.

PRESS RELATIONS

1. Reach an agreement with the council/board that neither side will speak negatively about the other; cite "philosophical" differences and wish each other well.
2. Develop a mutually agreeable press release.
3. Draft the letter of resignation that says what you want the press to know. Let the letter speak for itself, rather than commenting further to the press.
4. Stay away from the press for a couple of days to let things die down. When you do talk, don't talk about the council/board (it won't help). Talk about the things you are proud of in your tenure.
5. Make no public pronouncements defending yourself; take the high road.
6. Remember your greatest asset is your professional reputation and integrity. The way you exit creates a lasting image and reflects on how you value your work and your colleagues.

WHAT THE MANAGER/ADMINISTRATOR SHOULD DO AFTER RESIGNING: “THE MILLER RULES”

The “Miller Rules for Survival” were written by Mike Miller. He is a long time ICMA member, manager and occasional manager in transition. Miller provides realistic advice on how to handle the transition period.

1. Expect an extended period of “in transition” time and hope for the best. Time moves slowly for active people faced with inactivity. Councils normally require three to nine months for a manager/administrator selection process. Transitional periods of nine months to two years are not uncommon, thus there is a need for a larger or longer severance package. Generally speaking, the larger the target organizations, the longer it takes.
2. If you do not already have one, buy a computer and get a personal email address. The computer can produce professional appearing resumes which can be adjusted to differing conditions.
3. If you do not have a personal cell phone, get one. New e-mail address and phone numbers should be provided to MME peers so that you can stay in touch.
4. Send out lots of resumes. More resumes mean more interviews. More interviews mean more chances of being offered a job.
5. Accept interviews when offered. Your interviewing skills will improve with practice.
6. Do not feel guilty about being fired or “resigning.” It can happen to anyone, especially in our profession. If it does, deal with it and go forward. Managers/administrators are trained to accept responsibility for entire organizations. As a consequence, when in transition we tend to blame ourselves (consciously or unconsciously) for our plight. In such cases, acceptance of responsibility (guilt) serves only to cause depression and hinder the job seeking process. Maintain a positive attitude. Remember that you have value as a professional manager/administrator. Take it one day at a time, and, as Winston Churchill said, “NEVER, NEVER, NEVER GIVE UP.”
7. Avoid over-explaining your departure from your former position in your resume and in interviews. When asked, simplify your response to such causes as “politics”, “philosophical differences” or “incompatibility with the council” while remaining truthful. Be aware that your answer may not be accepted by prospective employers.
8. You should also develop an answer to the following question: “Why might you be interested in a job that pays less than your former job?” Your answer should relate to the quality of the opportunity being presented, how it fits where you are at in your career and how your skills are a good match.
9. Immediately have good quality business cards printed utilizing a title such as “Public Management Consultant.” The cards serve two purposes: 1) You will be surprised how

many times you will be asked “what do you do?” The cards serve to provide an alternative to “I am an unemployed city manager” or “I was a city manager.” 2) Offering your services as a consultant will also provide a filler for your resume (councils do notice gaps) as well as relief from boredom. Be willing to reach out through direct contacts and email to offer your services. Taking on short-term consulting assignments can generate income and help keep your skills sharp.

10. Recognize that spouses and children feel real anger at those who put you in transition and uncertainty about the future. They need and deserve your understanding and support. The same holds true for children and other family members. Your transition period is also a great opportunity to strengthen family bonds. This is a rare opportunity for family time. Value it as such.
11. Remember it is ICMA’s policy to waive dues payments for members in six-month increments for up to three years for all members in transition. If you are a member, contact the ICMA. You are also eligible for free registration to the ICMA annual conference.
12. It is also MME’s policy to waive dues payments and conference registration fees for members in transition for both summer and winter conferences.
13. Apply for unemployment insurance benefits. You have paid into this program for years and are entitled to the payments when you are fired or forced to resign. This is one of the items to consider when deciding between a payout and remaining on the payroll. Obviously, you should not apply for benefits if it is prohibited by your severance agreement.
14. Develop or maintain active participation in ICMA and MME committees. Attend MME Meetings. These activities will help you stay in the loop with your colleagues. Keep in touch and go to lunch with your colleagues from time to time. While it can be difficult to face colleagues, who will ask “what happened?” it’s important to remember that they are sympathetic and want to help.
15. Never despair. The time away from intense daily work can be a refreshing and spiritual experience. Try to have fun: fly fish, read, go out, play golf, play tennis, jog, meditate or do whatever it takes to keep your spirits up! Do something enjoyable that you would not have time to do while fully employed. Staying active will help you feel better about yourself and increase your capacity to deal with tough times.
16. While away from your professional work routine, get up at your normal time. Each day reserve time to make telephone calls, send out letters and resumes for job openings and research position openings. Prepare a job list to do at home, for example: paint the bedroom, fix the kitchen sink, etc., and prepare a list for what you will do during the day.
17. NETWORK, NETWORK, NETWORK!

MME Services

MME membership stays with the individual, not with the employing agency. MME offers the following services for Managers in Transition:

1. Membership dues will be waived up to two years while you are in transition and actively seeking local government employment.
2. MME Newsletter and other MME correspondence.
3. Membership privileges of your current membership category.
4. Complimentary registration to the winter and summer conferences for a period of two years. Lodging expenses are not covered; however, employed members are encouraged to invite managers in transition to share a room to help defer expenses.
5. At your request, you can be listed in the "MME Newsletter" as being in transition to let your colleagues know where you are and to receive support from your colleagues.

ICMA SERVICES

Remember, ICMA membership belongs to the individual, not the local government. Staff at ICMA changes from time to time; therefore, the following number is the general number for Member Services: 202-962-3680. E-mail: membership@icma.org. ICMA will provide the following to you:

1. Membership dues may be waived for up to three years (in six-month increments) while you are in transition and actively seeking local government employment.
2. "ICMA Newsletter" and "Public Management" (PM) magazine.
3. All membership privileges of your current membership category.
4. Complimentary registration to the next annual conference. (Special instructions are on the conference registration form.)
5. Access to personal support from the ICMA leadership, senior management staff, senior advisors, and members to deal with issues of severance, relocation and job hunting. ICMA Member Services can direct you to the right place depending on your question.
6. A copy of "Notes from Beachcombers".
7. At your request, you can be listed in the "ICMA Newsletter" as being in transition to let your colleagues know where you are and to receive support from them.

JOB SEARCH AND GUIDANCE

Municipal Search Firms

There are professional organizations dedicated to the placement of executives in the private and public sector. There is a fee that may or may not be paid by a prospective employer. Look in the yellow pages under “executive search consultants” for a list of firms in your area. Also check the classified section of the ICMA's Public Management magazine and the MME Newsletter classifieds for firms specializing in public sector searches.

ICMA Website www.icma.org

ICMA Job Center

Online job listings are available in the ICMA Job Center at <http://jobs.icma.org>. The ICMA Job Center offers a database of current job openings for local government professionals. Positions listed are with local governments, related local government and nonprofit organizations, and universities. The Job Center also offers an online resume service and job agents for ICMA Members. Log in on the right side of the page to take advantage of these services.

ICMA Newsletter

The ICMA Newsletter is posted at www.icma.org and lists job openings.

ICMA Job Opportunities Bulletin

The ICMA model employment agreement can be found at http://icma.org/en/icma/career_network/career_resources/model_employment_agreement

MME Website

www.mme.org

The MME website contains information that will be helpful for Managers in Transition to keep current with MME members and topics.

Additional job listing websites can be found at the Michigan Municipal League, Michigan Association of Counties and Michigan Township Association.

MME Membership Responsibilities

MME members are encouraged to contact fellow managers and administrators that are in transition. MME members can help managers in transition in the following ways:

1. Hire managers in transition for interim work and special projects.
2. Provide office space and equipment for managers in transition.
3. When going to ICMA or MME conferences, invite a manager in transition to share your room at no cost.
4. Monitor the environment. As one hears about a manager that may be in trouble, members are encouraged to contact either the MME Staff Liaison or one of the Senior Advisors.

Managers in Transition Committee

The MME Managers in Transition Committee members are responsible for identifying MME members as soon as it appears they are leaving a management position and do not have a new position identified. MIT Committee members should also frequently advise their regional counterparts to notify them of members who may be in transition.

Once a member in transition (MIT) is identified, the Managers in Transition Committee Regional Coordinator should:

1. Advise the MME Staff Liaison so that MME support can be offered
2. Either personally contact the executive in transition or identify another primary liaison
3. Assign a person from your region to maintain regular (weekly or bi-weekly) contact with the MIT, encourage others to contact the MIT, keep the MME Staff Liaison aware of the MIT's status, coordinate closely with the Senior Advisors and provide the MIT with the support services available through the MME and the ICMA.

SUGGESTIONS FOR GUIDE

Please contact Mitch Deisch, Benzie County Administrator at 231-882-0558 mdeisch@benzieco.net or any other members of the MIT Committee for any suggestions you may have to improve this guide.

Appendix A

Michigan Attorneys

John Gretzinger
Mika Meyers

Kurt Graham
Mika Meyers

Steve Girard
Clark Hill

Steve Schwartz
Keller Thoma

Matt Nordfjord
Cohl, Stoker and Toskey

Bonnie Toskey
Cohl Stoker and Toskey

Licensed Counselor

Helaine Zack
Huntington Woods

Appendix B

SAMPLE SEVERANCE AGREEMENT**

(References in this agreement to gender are for example purposes only and are not intended to specify a particular gender.)

Sample Separation Agreement

This separation agreement is made and entered into this _____ day of _____, _____, by and between the Municipality of _____ herein after referred to as (Municipality) and _____ herein after referred to as (Manager/Administrator.)

The (Municipality) has asked the (Manager/Administrator) to resign effective _____. In consideration of the (Manager/Administrator) resigning as the Municipality Manager/Administrator effective _____, the (Municipality) and the (Manager/Administrator) do hereby agree as follows:

1. The Municipality shall provide the Manager/Administrator a minimum severance payment equal to one-year salary of the current rate of pay of said Manager/Administrator. This severance shall be paid in a lump sum unless otherwise agreed to by the Municipality and the Manager/Administrator.
2. The Manager/Administrator shall also be compensated for all accrued sick leave, vacation time, all paid holidays and executive leave. The Municipality agrees to make a contribution to the Manager/Administrator's deferred compensation account on the value of this compensation calculated using the rate ordinarily contributed on regular compensation.
3. For a minimum period of one year following the Manager/Administrator's termination, the Manager/Administrator shall be considered as a regular full time Municipality employee and shall receive, at the Municipality's normal expense percentage, all of the usual and customary benefits received by other full-time employees of the Municipality including but not limited to:
 - (a) Health insurance for the Manager/Administrator and his/her dependents.
 - (b) Life insurance in the amount received when he/she was Manager/Administrator.
 - (c) Short term and long-term disability.
 - (d) Car allowance or payment of lease or provide option to buy Municipality vehicle at depreciated value.
 - (e) Outplacement services should the Manager/Administrator desire them in an amount not to exceed \$10,000.
 - (f) Secretarial and office services provided the Manager/Administrator at no cost; and,
 - (g) Any other available benefits.
4. The Municipality agrees it shall give the Manager/Administrator a favorable reference upon request of any prospective future employer of the Manager/Administrator.

5. The Municipality agrees it shall perpetually defend the Manager/Administrator and hold him/her harmless and shall indemnify him/her against any pending or future litigation, claims, demands or other legal action, whether groundless or otherwise, arising out of the Manager/Administrator's performance of duties, responsibilities or obligations or inactions during the course of his/her performance of duties. Should the Manager/Administrator be named as an individual and the Municipality's insurance carrier or risk management agency issues a reservation of rights or other document advising the Municipality it will neither defend nor indemnify such claim, the Municipality shall provide for the defense and pay for all said expense and indemnify such claim.
6. This agreement sets forth and establishes the entire understanding between the Municipality and the Manager/Administrator relating to the severance of the Manager/Administrator by the Municipality. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement.
7. This agreement shall be binding on the Municipality and the Manager/Administrator as well as their heirs, assigns, personal representatives and successors in interest.
8. If the invalidity or partial invalidity of any portion of this agreement is held invalid, the remaining provisions shall be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.
9. The Municipality and the Manager/Administrator do both agree they will exercise good faith in the performance of all provisions of this Separation Agreement.

For the Municipality of _____.

By Mayor/Village President _____ . Dated _____

By Manager/Administrator _____ . Dated _____

Attested: _____ . Dated _____

Municipality Clerk

**** It is recommended the Manager/Administrator use an attorney versed in employment law in his/her discussions with the Municipality and the preparation of the Separation Agreement.**