

Acting CEO or Temporary Employment of CEO Policy

CEO



11 May 2022

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2040: Focus Area Performance: Outcome PF.1: Responsible planning and ownership of outcomes.

Objectives

To establish a policy in accordance with section 5.39C *Local Government Act 1995* (LGA), which details the Shire of Augusta Margaret River's (Shire's) processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office of the CEO.

Application

This policy applies to the position of the CEO of the Shire of Augusta Margaret River.

Definitions

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Policy

1. Acting and Temporary CEO requirements and qualification

1.1 When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in section 5.41 LGA, and other duties as set out in the Act and associated Regulations.

1.2 Through this policy and in accordance with section 5.36(2)(a) LGA, the Council determines that employees appointed to the substantive position(s) of:

- a) Director Corporate and Community Services (DCCS);
- b) Director Sustainable Development and Infrastructure Services (DSDIS);
- c) Manager Legal and Governance (MLG);

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are considered suitably qualified to perform the role of Acting or Temporary CEO.

2. Appoint Acting CEO – Planned and unplanned leave for periods up to six weeks

- 2.1 The CEO is authorised to appoint the DCCS, DSDIS or MLG in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the DCCS, DSDIS and MLG's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- 2.2 The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks. The CEO is to immediately advise all Councillors when and for what period of time the DCCS, DSDIS or MLG is appointed as Acting CEO.
- 2.3 If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2.2), then the following line of succession shall apply:
- a) The DCCS will be appointed as Acting CEO; or
 - b) If the DCCS is unable to act, the DSDIS will be appointed as Acting CEO; or
 - c) If the DSDIS is unable to act, the MLG will be appointed as Acting CEO.
- 2.4 Council may, by resolution, extend an Acting CEO period under subclause (2.3) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

3. Appoint Acting CEO for extended leave periods greater than six weeks but less than 12 months

- 3.1 This clause applies to the following periods of extended leave:
- Substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- 3.2 The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
- Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - Conduct an external recruitment process in accordance with clause 4.1(c).
- 3.3 The Shire President will liaise with the CEO, or in their unplanned absence the Manager Human and Community Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

- 3.4 Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Human and Community Services.

4. Appoint Temporary CEO – substantive vacancy

- 4.1 In the event that the substantive CEO's employment with the Shire of Augusta Margaret River is ending, the Council when determining to appoint a Temporary CEO may either:
- a) by resolution, appoint DCCS, DSDIS, or MLG as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b) by resolution, appoint DCCS, DSDIS or MLG as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c) following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- 4.2 The Shire President will liaise with the Manager Human and Community Services to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- 4.3 The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Manager Human and Community Services.

5. Remuneration and conditions of Acting or Temporary CEO

- 5.1 An employee appointed as Acting CEO shall receive a weekly pro-rata allowance, paid as an hourly rate to a maximum of 76 hours per rostered fortnight for the period in which the Director is acting, as per the Shire's Higher Duties Procedure.
- 5.2 Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- 5.3 Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Relevant legislation

Section 5.39C *Local Government Act 1995*: Policy for temporary employment or appointment of CEO.

Salary and Allowances Tribunal (SAT) Determination under Section 7A of the *Salaries and Allowances Act 1975*.

* *Adoption by absolute majority is required.*

Related documents

Higher Duties Procedure

Document and version control table			
Responsible Directorate		Office of the CEO	
Contact officer		Governance (Legal, Risk) Officer	
Adopted / approved by:		Council	
Date of adoption / approval:		11/05/2022	Decision Ref: OM2022/74
Date of next review		2026	
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Version	Date	Decision Ref.	Brief description
1.0	23/1/2013	OM1301/6	Full review
2.0	24/5/2017	OM201718	Full review
3.0	11/05/2022	OM2022/22	Full review

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