

Policy Type:	Governance
Date Adopted:	

Policy No:	2.07
Date Last Reviewed:	

Legal (Parent):
1. Local Government Act 1995

Legal (Subsidiary):

Delegation of Authority Applicable	Yes
Delegation Numbers	

Work Procedure Applicable	No
Work Procedure Number	n/a

ADOPTED POLICY	
Title:	TEMPORARY / ACTING OR APPOINTMENT OF CHIEF EXECUTIVE OFFICER
Objective:	To establish policy, in accordance with Section 5.39C of the <i>Local Government Act 1995</i> ('the Act'), that details the Shire of Nungarin'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.

1. DEFINITIONS:

- (a) **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remain employed, but is on planned or unplanned leave.
- (b) **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.

2. APPLICATION FOR LEAVE BY CEO

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Shire President.

3. ACTING AND TEMPORARY CEO REQUIREMENTS AND QUALIFICATIONS

- (a) 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 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- (b) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines the substantive position of Manager Works and Services is considered suitably qualified to perform the role of Acting or Temporary CEO for period up to three (3) weeks.

4. APPOINT ACTING CEO – PLANNED AND UNPLANNED LEAVE FOR PERIODS UP TO SIX (6) WEEKS

- (a) The CEO is authorised to appoint the Manager Works and Services in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding three (3) weeks, subject to the CEO's consideration of the Manager Works and Services performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (b) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than six (6) weeks.
- (c) The CEO is to immediately advise all Council Members when and for what period an Acting CEO has been appointed.
- (d) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (c), the Manager Works and Services will be appointed as Acting CEO.
- (e) Council shall conduct an external recruitment process in accordance with clause 6(a)(ii) to appoint an External Acting CEO, where the CEO is on planned or unplanned leave for periods exceeding three (3) weeks but no more than six (6) weeks.
- (f) Council may, by resolution, extend an Acting CEO period under subclause (e) beyond six (6) weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

5. APPOINT ACTING CEO FOR EXTENDED LEAVE PERIODS GREATER THAN SIX (6) WEEKS BUT LESS THAN TWELVE (12) MONTHS.

- (a) This clause applies to the following periods of extended leave:
 - (i) Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - (ii) Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (b) The Council will, by resolution, appoint an Acting CEO for periods greater than six (6) weeks but less than twelve (12), as follows:
 - (i) Appoint one (1) employee as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - (ii) Conduct an external recruitment process in accordance with clause 6(a)(ii)
- (c) The Shire President will liaise with the CEO, or in their absence the Manager Works and Services to coordinate Council reports and resolutions necessary to facilitate as Acting CEO appointment.

- (d) Subject to Council's resolution the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Works and Services.

6. APPOINT TEMPORARY CEO – SUBSTANTIVE VACANCY

- (a) In the event the CEO's employment with the Shire of Nungarin is ending, the Council when determining to appoint a Temporary CEO may either:
- (i) By resolution, appoint the Manager Works and Services as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment; or
 - (ii) Follow 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.
- (b) The Shire President will liaise with the Manager Works and Services to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (c) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution, with administrative assistance from the Manager Works and Services.

7. REMUNERATION AND CONDITIONS OF ACTING OR TEMPORARY CEO

- (a) Unless Council otherwise resolves, an employee appointed as Acting CEO for a period of three (3) weeks or less shall be remunerated at 25% of the cash component only of the substantive CEO's total reward package.
- (b) Unless Council otherwise resolves, where an external Acting CEO has been appointed for a period not exceeding six (6) weeks, the remuneration shall be at 100% of the cash component only of the substantive CEO's total reward package. The cost of accommodation will be covered by the Council.
- (c) 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 Section 5/39(1) and (2)(a) of the Act.
- (d) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or temporary CEO appointment.

References	• <i>Local Government Act 1995</i>		
Related Procedures			
Date Adopted by Council		Item No.	
Review/Amendment Date		Item No.	