

**Policy Title: TEMPORARY EMPLOYMENT OR ACTING APPOINTMENT OF
CHIEF EXECUTIVE OFFICER**

Policy Objective

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Mindarie Regional Council's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 3 months of planned or unplanned leave or an interim vacancy in the substantive office.

Policy Scope

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Mindarie Regional Council.

Policy Statement

1. DEFINITIONS

- (1) **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.
- (2) **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. ACTING AND TEMPORARY CEO REQUIREMENTS AND QUALIFICATION

- (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 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.

Absence from Australia for any reason, including leave or work related travel, an acting CEO is to be appointed in accordance with clause 3(1) of this policy.

- (2) Through this policy, and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Executive Manager Corporate Services or Executive Manager Operations are considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) An employee appointed to temporarily act in the position of Executive Manager Corporate Services or Executive Manager Operations is not included in the determination set out in Clause 3 (2).

3. APPOINT ACTING CEO – PLANNED AND UNPLANNED LEAVE FOR PERIODS UP TO 3 MONTHS:

1. The CEO is authorised to appoint an Executive Manager, in writing, as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 3 months, subject to the CEO's consideration of the Executive Manager's performance, availability, operational requirements and, where appropriate, the equitable access to the professional development opportunity.
2. The CEO must appoint an Acting CEO for any leave periods greater than 4 days and less than 3 months.
3. The CEO is to advise the Chair when and for what period of time the Executive Manager is appointed as Acting CEO.
4. If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (1), then the following line of succession shall apply:
 - a. The Executive Manager Corporate Services will be appointed as Acting CEO; or
 - b. If the Executive Manager Corporate Services is unable to act, the Executive Manager Operations will be appointed as Acting CEO; or
 - c. Another person in consultation with the Chair.
5. Council may, by resolution, extend an Acting CEO period under subclause (3) beyond 3 months if the substantive CEO remains unavailable or unable to perform their functions and duties.

4. APPOINT ACTING CEO FOR EXTENDED LEAVE PERIODS GREATER THAN 3 MONTHS BUT LESS THAN 12 MONTHS

- (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.
- (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 3 months but less than 12 months, as follows:
 - a. 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
 - b. Conduct an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.

- (3) The Chair will liaise with the CEO, or in their unplanned absence the Human Resource Officer to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the Chair will execute in writing the Acting CEO appointment with administrative assistance from the Human Resource Officer.

5. APPOINT TEMPORARY CEO – SUBSTANTIVE VACANCY

- (1) In the event that the substantive CEO's employment with the Mindarie Regional Council is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint an Executive Manager 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 an Executive Manager 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.
- (2) The Chair will liaise with the Human Resources Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The Chair is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Human Resources Officer.

6. REMUNERATION AND CONDITIONS OF ACTING OR TEMPORARY CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90% of the cash component only of the substantive CEO's total reward package.
- (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.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO Appointment.

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| Legislation | Local Government Act 1995 s.5.36 Local government employees s.5.39 Contracts for CEO and senior employees s.5.39C Policy for temporary employment or appointment of CEO s.5.40 Principles affecting employment by Local Governments s.5.41 Functions of CEO |
| Council Meeting Date | 30 May 2024 |
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| Next Review Date | 01/05/2025 |
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