

1.26 Appointment of Acting Chief Executive Officer

Objective

The purpose of this policy is to provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (A/CEO) and to allow for the approval by the Shire President of applications by the Chief Executive Officer (CEO) for extended sick leave, long service leave, annual leave or other extended absences.

Background

In accordance with s5.39C of the *Local Government Act 1995* ("the Act"), the Shire must prepare and adopt a policy that sets out the process to be followed in relation to:

- a. the employment of a person in the position of CEO for a term not exceeding 1 year; and
- b. the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

Policy

CEO Leave Entitlements

1. The CEO is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.
2. Approval of the CEO to take leave entitlements is at the discretion of the Shire President, or where the Shire President is on an approved leave of absence, the Deputy President. The President/Deputy President cannot unreasonably withhold approval.
3. When the CEO is on leave, an Acting Chief Executive Officer is to take up their duties in accordance with this Policy.

Appointment of an Acting CEO – Expected leave periods up to 35 days

4. Acting arrangements for the position of CEO for leave periods up to 35 days is at the discretion of the CEO, in accordance with the Delegations and Authorisations Register.
5. The following officers can be appointed to the position of Acting CEO in accordance with the Delegations and Authorisations Register:
 - a. Director Corporate Services
 - b. Director Regulatory Services
 - c. Director Community Experience
 - d. Director Infrastructure Services
6. It is intended that Directors will carry out the role of Acting CEO during periods of absence of the CEO due to annual or extended sick leave, as nominated by the CEO.
7. It is intended that a Director will only be appointed as Acting CEO under the terms of this Policy if:
 - a. In the opinion of the CEO the employee is satisfactorily performing his/her duties;

- b. In the opinion of the CEO and the employee, the employee has capacity to perform the duties of Acting CEO along with his/her current duties; and
- c. This Policy does not apply to an employee who is temporarily acting in the role of a Director.

Appointment of an Acting CEO – leave periods in excess of 35 days

8. Should the CEO be absent for more than 35 days, the authority to appoint an Acting CEO shall be determined by Council.

Appointment of an Acting CEO – unexpected leave or vacancy

9. In the event that the CEO:
- a. takes unexpected leave;
 - b. is incapacitated;
 - c. is unable to perform their duties as a result of a disaster or crisis event;
 - d. the position falls unexpectedly vacant; or
 - e. is suspended or terminated,
- the following shall occur:
- f. if the Council has not appointed an Acting CEO, the Shire President shall appoint an interim Acting CEO, from the list specified in clause 5 having regard to the officer's experience and capacity, until the Council can appoint an ongoing Acting CEO in accordance with clause 10.
10. Where it is likely that a person will act as CEO under clause 9(f) for a period of more than ten (10 working days), a Special Council Meeting shall be convened as soon as possible, so that an ongoing acting appointment can be made.

Salary and conditions of Acting CEO

11. Unless Council otherwise resolves, and the Acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates:
- a. Up to 1 week – negotiated according to tasks and skill level required and only payable where substantive functions are required.
 - b. 1-2 weeks – 50% differential
 - c. 3-4 weeks – 70% differential
 - d. Over 4 weeks – 100% differential
12. Note – the differential being the difference between the officer's base hourly rate and the higher positions current base hourly rate. All standard allowances received by relevant employees does not change only the base hourly rate changes.

Publication

In accordance with s5.39C(4) of the Act, the Shire must publish an up-to-date version of this policy on the local government's official website.

Authorisation Details

References:	s5.39C <i>Local Government Act 1995</i>		
Authorised by:	Council		
Date:	28 May 2021	Item No.	10.1.7
Review/Amendment Date	24 June 2022	Item No.	12.2.5
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Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			