

EME005	CEO LEAVE, APPOINTMENT OF ACTING OR TEMPORARY CEO		
POLICY OWNER:	Council		
DEPARTMENT:	Office of the CEO		
CREATION DATE:	23/08/2022	**REVIEW SCHEDULE:**	Annually
RELATED PROCEDURES:	Must be adopted by Absolute Majority		
RELATED FORMS:	N/A		
RELATED DELEGATIONS:	All powers exercised under this policy must be consistent with the current Delegations Register		
RELATED POLICIES:	Designate Senior Employees		
LEGISLATION:	s5.39C Local Government Act 1995 s 5.36 – Acting Chief Executive Officer R.9 Local Government Administration Regulations 1996		
DOCUMENT CONTROL			
DATE REVIEWED:	**REVIEWED BY:**	**CHANGES (IF ANY):**	**ENDORSED BY COUNCIL:**
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23
28/11/2023	Council	Minor – Refer OCM Minutes	OCM 11/11/23
26/03/2024	Council	Nil	OCM 07/03/24
19/10/2026	Council	Moderate – refer to Minutes	OCM 08/10/26

EME005 Chief Executive Officer (CEO) Leave and Appointment of Acting or Temporary

OBJECTIVES

To establish the processes for a CEO taking leave, the appointment of an Acting CEO or a Temporary CEO for periods of less than twelve months and to comply with the provisions of s5.39C of the Local Government Act 1995 regarding the appointment of an Acting CEO or Temporary CEO.

The intent of this policy is to ensure that an Executive Manager can be appointed to act in the role of the CEO for periods of leave, or vacation of the position for up to eight weeks only. This fosters the professional development of the Executives who desire to gain experience in the Acting CEO role.

POLICY STATEMENT/S

<u>CEO Taking of Leave</u>

The employment contract of the CEO outlines any leave entitlements.

Applications for planned leave are to be submitted in writing to the Shire President prior to the proposed leave.

The Shire President is authorised to approve planned leave in accordance with the CEO's employment contract and any applicable Council resolution.

Where the Shire President is unavailable, the Deputy Shire President may exercise this function.



Temporary CEO - Appointment

Council may appoint a Temporary CEO where required.

Any appointment must comply with the applicable requirements of the Local Government Act 1995 and Local Government (Administration) Regulations 1996, including requirements relating to the person's knowledge, experience, qualifications and skills.

The period, remuneration, conditions and scope of any Temporary CEO appointment will be determined by Council in accordance with applicable legislative requirements.

Acting CEO - Planned Absence

For periods of planned absence, the CEO may appoint any Executive Manager as Acting CEO where the CEO considers that person has the appropriate knowledge, experience, qualifications and skills to perform the functions of the CEO and satisfies any applicable legislative requirements.

In determining the appropriate Executive Manager, the CEO may have regard to:

- the nature and expected duration of the absence;
- the Executive Manager's knowledge, skills and experience;
- operational requirements and current organisational priorities;
- availability and capacity; and
- any actual, potential or perceived conflicts of interest.

The CEO may choose to not appoint an Acting CEO during periods when the CEO is away from the office on local government business, or for short periods of leave (up to 5 days) provided the CEO is reasonably available and able to perform the functions of the office.

Acting CEO – Unplanned Absence or Incapacity

To provide continuity in circumstances where the CEO becomes unexpectedly unavailable or incapacitated and is unable to appoint an Acting CEO, the CEO may establish a written order of succession identifying suitably qualified Executive Managers who may assume the role of Acting CEO.

The order of succession should provide sufficient flexibility to ensure an available and suitably qualified Executive Manager can assume the role.

Where the first nominated Executive Manager is unavailable or unable to act, the next available Executive Manager identified in the order of succession may assume the role.

An appointment under the succession arrangement will remain in effect only for the period permitted by this policy and applicable legislation, or until Council determines otherwise.



Where no person identified through the succession arrangement is available or eligible to act, the matter is to be referred to Council as soon as practicable to determine an appropriate appointment.

Vacancy in the Office of CEO

Where the office of CEO becomes vacant, or circumstances arise that cannot appropriately be managed through the Acting CEO arrangements contained in this policy, Council will determine the appointment of an Acting or Temporary CEO in accordance with the Local Government Act 1995 and applicable regulations.

Authority of Acting CEO

During the period of appointment, an Acting CEO is authorised to perform the functions, duties and responsibilities of the CEO, subject to:

- the Local Government Act 1995 and other applicable legislation;
- Council delegations;
- Council policies and resolutions;
- any limitations applying to the substantive CEO; and
- any specific limitations lawfully imposed on the Acting CEO appointment.

The appointment of an Acting CEO does not provide authority beyond that which may lawfully be exercised by the CEO.

Remuneration and Conditions of Acting or Temporary CEO

Acting CEO: Unless Council otherwise resolves, an Executive Manager appointed as Acting CEO shall be remunerated a cash component at 100% of the base salary.

Temporary CEO: The remuneration and benefits to be offered to a Temporary CEO when entering a contract in accordance with the requirements of s5.39(1) and (2)(a) of the Act shall be determined by an absolute majority of Council.

Subject to relevant advice, the Council retains the right to terminate or change by absolute majority resolution any Temporary CEO appointment.

DEFINITIONS

Acting CEO: An Executive Manager who has been appointed by the CEO to perform the role and responsibilities of the CEO for a period of up to 8 weeks.

Temporary CEO: A person who has been appointed by Council resolution to perform the role and responsibilities of the CEO for any period, but not exceeding 1 year.



Executive Manager: An employee occupying an Executive Manager position within the Shire's organisational structure who has the appropriate knowledge, experience, qualifications and skills to perform the functions of CEO.

Incapacitated: No longer able to perform their usual duties due to unplanned emergency, illness or medical episode.

Planned Leave: Annual Leave, Executive Leave, Leave Without Pay, Long Service Leave.