

CP.5 Approval of annual & long service leave for the CEO and appointment of an Acting CEO

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.4691
<i>Resolution Date</i>	15/03/2023
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<i>Related Shire Documents</i>	
<i>Related Legislation</i>	S5.36, 5.39C, 5.40 Local Government Act 1995

OBJECTIVE

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Northam'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.

SCOPE

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Northam.

POLICY

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. Approval of Annual & Long Service Leave

The Shire of Northam Council approves the taking of leave by the Chief Executive Officer and the appointment of an Acting Chief Executive Officer for a period not exceeding six (6) weeks, in accordance with the following parameters:

1. The Shire President, or in his/her absence the Deputy Shire President, authorise all annual and long service leave to be taken by the Chief Executive Officer, so long as the period of leave does not exceed 6 weeks.

3. 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.
- (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/s are considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) A person appointed to act in the position of Executive Manager/s is not included in the determination set out in Clause 3 (2).

4. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- (1) The CEO is authorised to appoint the Executive Manager/s 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 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 5 days and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the Executive Manager/s is appointed as Acting CEO.
- (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 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 6 weeks but less than 12 months.

- (1) This clause applies to the following periods of extended leave:
 - a. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - b. 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 6 weeks 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 clause 6(1)(c).
- (3) The President (or in their absence the Deputy President) will liaise with the CEO, or in their unplanned absence the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the President (or in their absence the Deputy President) will execute in writing the Acting CEO appointment with administrative assistance from the People and Culture Coordinator.

6. Appoint Temporary CEO – Substantive Vacancy

- (1) In the event that the substantive CEO's employment with the Shire of Northam is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint an Executive Manager/s 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/s 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 President (or in their absence the Deputy President) will liaise with the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The President (or in their absence the Deputy President) is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the People and Culture Coordinator.

7. Remuneration and conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at no less than 85% 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.