

# Council Policy

## Temporary Employment or Appointment of CEO



Legislation/local law requirements	s.5.39 of the Local Government Act 1995
Relevant Delegation	Not to be delegated
Related policy procedures and documents	City of Kwinana Recruitment, Performance Review and Termination of CEO Policy

## **Introduction**

The role of the Chief Executive Officer (CEO) is considered to be crucial to achieving good governance and for fulfilling the functions prescribed by section 5.41 of the Act.

## **Purpose**

To establish policy, in accordance with section 5.39C of the Act, that sets out the process to be followed in relation to:

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

## **Objective**

The policy aims to ensure continuity of leadership and efficient operations during periods when the substantive CEO is unavailable or absent.

## **Scope**

This policy applies during:

- Periods of absence or leave of the incumbent CEO; and
- Vacancy in the role of CEO.

# Policy Provisions

## Definitions

**Act** means the *Local Government Act 1995*.

**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.

**City** means the City of Kwinana local government.

**CEO** means the Chief Executive Officer of the City.

**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.

## Policy

### 1. Acting and temporary CEO Requirements and Qualification

When the CEO is on planned or unplanned leave, or the CEO's employment with the City has ended, an Acting CEO or Temporary CEO is to be appointed in accordance with this Policy to fulfil the CEO functions.

Through this policy, and in accordance with section 5.36(2)(a) of the Act, employees permanently appointed to the substantive position(s) of Director/s are considered suitably qualified to perform the role of Acting or Temporary CEO.

### 2. Appoint Acting CEO – Planned and unplanned leave for periods up to six weeks

The CEO shall have the discretion to appoint an Acting CEO in circumstances where the CEO is on planned or unplanned leave for periods not exceeding six weeks, subject to the CEO's consideration of the City Officers performance, availability, operational requirements and where appropriate, the equitable access to professional development opportunities.

The CEO must appoint an Acting CEO for any leave applications periods greater than 7 days and less than six weeks.

The CEO is to advise all Elected Members as soon as possible when and for what period of time the City Officer is appointed as Acting CEO.

If the CEO is unavailable or unable to determine an Acting CEO then City Officers appointed in the permanent position of a Director are considered suitably qualified to perform the role. The appointment will align with the criteria specified in this policy.

Council may, by resolution, extend the period of appointment of an Acting CEO beyond six weeks where the substantive CEO remains unavailable or unable to perform their functions and duties.

### **3. Appoint Acting CEO for extended leave periods greater than six weeks but less than 12 months**

The following 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.

The Council will, by resolution, appoint an Acting CEO for periods greater than six weeks but less than 12 months as follows:

- 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
- Conduct an external recruitment process.

The Mayor shall liaise with the CEO, or in their unplanned absence the Manager Human Resources, to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Manager Human Resources.

### **4. Appoint Temporary CEO – Substantive Vacancy**

In the event that the substantive CEO's employment with the City is ending, the Council when determining to appoint a Temporary CEO may by resolution either:

- 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; or
- City Officers appointed in the permanent position of a Director are considered suitably qualified to perform the role of Acting CEO. The appointment will align with the criteria stated in this Policy.

The Mayor will liaise with the Manager Human Resources to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

The Mayor is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Manager Human Resources.

### **5. Remuneration and conditions of Acting or Temporary CEO**

Determined at the time of appointment in consultation with the Manager Human Resources, Chief Executive Officer and the Mayor (where required). The remuneration will be a percentage of the cash component only of the substantive CEO's total reward package.

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.

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

**OFFICER USE ONLY**

Officers may amend this section without council approval.

Responsible Team	Human Resources
Initial Council adoption	Date: 11 August 2021    Ref#: 482
Reviewed/amended	Date: November 2024    Ref#: 583
Next Review Date	Date: November 2026
Policy Document Number	D21/34940[v2]