WALGA Template Policy

Temporary Employment or Appointment of CEO

**WALGA Note**

This template policy addresses the requirements of section 5.39C of the Local Government Act 1995 that require a Local Government to adopt, by absolute majority, a policy that sets out the process to be followed in relation to:

* Employment of a person in the position of CEO for a term not exceeding 1 year; and
* Appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

WALGA provides this template policy as a guide for Local Governments to consider when developing or amending a Policy. This template policy provides suggested wording only and Local Governments should consider, develop and implement policy suitable to their operational requirements.

**Remember:** Policy implementation is given effect through appropriate induction, ongoing training and operational procedures that evidence Council Members and Employees have been made aware of, and are accountable for, their obligations and responsibilities.

**Template Council Policy**

Temporary Employment or Appointment of CEO

**Policy Objective**

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* (‘the Act’), that details the [insert LG name]’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.

**Policy Scope**

This policy applies to the statutory position of Chief Executive Officer (CEO) of the [insert LG name].

**Policy Statement**

# 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.

WALGA Note: *{Delete before publication} CEO’s are entitled to leave conditions specified in their employment contract. Approval of CEO leave entitlements is at the written discretion of the President / Mayor and approval should not be unreasonably withheld.*

# 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 [insert Position Title]/s are considered suitably qualified to perform the role of Acting or Temporary CEO.

(3) A person appointed to act in the position of [insert Position Title]/s is not included in the determination set out in Clause 3 (2).

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

(1) The CEO is authorised to appoint the [insert Position Title]/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 [insert Position Title]/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 48 hours and less than 6 weeks.

(3) The CEO is to immediately advise all Council Members when and for what period of time the [insert Position Title] 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 (2), then the following line of succession shall apply:

1. The [insert Position title (1)] will be appointed as Acting CEO; or
2. If the [insert Position title (1)] is unable to act, the [insert Position title (2)] will be appointed as Acting CEO; or
3. If the [insert Position title (2)] is unable to act, the [insert Position title (3)] will be 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.

# 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:

- 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 6 weeks but less than 12 months, as follows:

1. 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
2. Conduct an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.

(3) The [President / Mayor] will liaise with the CEO, or in their unplanned absence the [insert Position title] to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

(4) Subject to Council’s resolution, the [President / Mayor] will execute in writing the Acting CEO appointment with administrative assistance from the [insert Position title].

# Appoint Temporary CEO – Substantive Vacancy

(1) In the event that the substantive CEO’s employment with the [insert LG name] is ending, the Council when determining to appoint a Temporary CEO may either:

1. by resolution, appoint [insert Position title]/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
2. by resolution, appoint [insert Position title] as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
3. 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 / Mayor] will liaise with the [insert Position title] to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

(3) The [President / Mayor] is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the [insert Position title].

# Remuneration and Conditions of Acting or Temporary CEO

(1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at [< >%] 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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| **Document Control Box** | | | | | | | | | | | |
| **Document Responsibilities:** | | | | | | | | | | | |
| **Owner:** | [insert Position Title] | | | | | **Owner Business Unit:** | | | [insert Unit Title] | | |
| **Reviewer:** | [insert Position Title] | | | | | **Decision Maker:** | | | Council | | |
| **Compliance Requirements:** | | | | | | | | | | | |
| **Legislation:** | | *[Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a465.html)*  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 | | | | | | | | | |
| **Other:** | |  | | | | | | | | | |
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