

TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY



Legislation / local law requirements	<i>Local Government Act 1995</i> <ul style="list-style-type: none">• s5.39 Contracts for CEO and senior employee's;• s5.39C Policy for temporary employment or appointment of CEO• s5.40 Principles affecting employment by local governments.
Relevant delegations	Delegation 2.2.1 - Appointment of an Acting CEO
Related policies, procedures and supporting documentation	Organisational Structure and Designation of "Senior Employees" Policy

PRELIMINARY

INTRODUCTION

Pursuant to section 5.36 of the *Local Government Act 1995* (Act), it is a requirement that Council employ a person to be Chief Executive Officer (CEO) to enable the functions of the Local Government and the functions of Council to be performed. jj

The manner of the recruitment is prescribed in the Act and the *Local Government (Administration) Regulations Act 1996*.

Section 5.39C of the *Local Government Legislation Amendment Act 2019* was inserted into the Act and informs the requirements for this policy.

PURPOSE

To set out the process in relation to the appointment of Senior Employees (Executive Directors) to act in the position of CEO for a term not exceeding one year.

OBJECTIVE

To establish policy, in accordance with section 5.39C of the Act, that details the City of Vincent's processes for appointing an Acting or Temporary 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 CEO of the City of Vincent.

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POLICY PROVISIONS

DEFINITIONS

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.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Senior Employee means a person appointed to the position of Executive Director

POLICY

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

1.1 Consistent with Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO is authorised to appoint an Acting CEO, subject to the following conditions:

- the Employee being designated a “Senior Employee”, as prescribed by the LGA and determined by Councils [Organisational Structure and Designation of “Senior Employees”](#) policy;
- appointments being no longer than 6 weeks;
- Council Members to be advised of Acting CEO; and
- the acting role to be rotated between the Executive Directors of the City where practicable or an external sector Senior Employee through a secondment arrangement.

1.2 The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.

1.3 If the CEO is unavailable or unable to make the decision to appoint an Acting CEO the Executive Manager Corporate Strategy and Governance will appoint an Acting CEO in accordance with 1.1. above.

1.4 Council may, by resolution, extend an Acting CEO period under subclause (1.3) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

2. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

2.1 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.

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- 2.2 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 Senior Employee, or multiple Senior 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 3.1(c).
- 2.3 The Mayor will liaise with the CEO, or in their unplanned absence the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- 2.4 Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Strategy and Governance.

3. Appoint Temporary CEO – Substantive Vacancy

- 3.1 In the event that the substantive CEO's employment with the City of Vincent is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint a Senior Employee as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the City; or
 - b. by resolution, appoint a Senior Employee 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 or secondment process in accordance with the principles of merit and equity prescribed in section 5.40 of the LGA, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the City.
- 3.2 The Mayor will liaise with the Executive Manager Corporate Strategy and Governance to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- 3.3 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 Executive Manager Corporate Strategy and Governance.

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4. Remuneration and conditions of Acting / Temporary CEO arrangements

- 4.1 The CEO will determine the remuneration and benefits when appointing an employee as Acting CEO. Remuneration and benefits must not exceed the substantive CEO's total reward package.
- 4.2 Where an appointment is made in accordance with clause 1.3 above the Executive Manager Corporate Strategy and Governance will determine the remuneration and benefits when appointing an employee as Acting CEO. Determination will have due regard to the remuneration and benefits applied formerly and must not exceed the substantive CEO's total reward package.
- 4.3 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.
- 4.4 Acting and temporary CEOs will be delegated the powers and be able to discharge the duties of the CEO, subject to any limitations imposed by the CEO or Council through an appointment under this policy.

OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance
Initial Council Adoption	17/05/2022
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Reviewed / Amended	N/A
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