

APPOINTMENT/EMPLOYMENT OF AN ACTING/TEMPORARY CEO

Purpose

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the City's processes for appointing an Acting Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office. This policy sets out the process for appointing or employing a person in the role of Acting or Temporary CEO on a short-term basis of up to one year to comply with s 5.39C of the *Local Government Act 1995*.

Definitions

The Act means the *Local Government Act 1995*.

Acting CEO means a person employed or appointed to fulfil the position of CEO during a period where the substantive CEO is absent due to planned or unplanned leave or other authorised leave.

Director means an employee of the City who holds a substantive position of director within the City's Executive Leadership Team.

Temporary CEO means a person employed or appointed to fulfil the position of CEO after the end of the substantive CEO's employment until a new CEO is appointed and commences employment.

Council Member means a person who is currently an elected member of the Council.

Policy Principles

1. Acting and Temporary CEO Requirements and Qualification

- (1) When the CEO is on planned or unplanned leave, or the CEO's employment with the City has ended, an Acting or Temporary CEO is to be appointed and/or employed 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:~~
 - ~~(a) —~~ employees appointed to the substantive position(s) of Director/s are considered suitably qualified to perform the role of Acting CEO or Temporary CEO; and—
 - ~~(3)(b)~~ employees appointed to the acting position(s) of Director are not considered suitably qualified to perform the role of Acting CEO or Temporary CEO.

2. Appointment of Acting CEO —~~Planned and unplanned leave for periods up to 6 months~~ 3 months

~~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.~~

- (1) The CEO is authorised to appoint ~~any of the~~ Director/s in writing as Acting CEO, where the CEO is on ~~planned or unplanned~~ leave for periods not exceeding ~~3 months~~ 6 months.
- (2) ~~The appointment is~~ subject to the CEO's consideration of the Director/s performance, availability, operational requirements and, where appropriate, ~~the~~ equitable access to the professional development opportunity.
- (3) ~~The CEO must appoint an Acting CEO to cover any periods of leave from 1 week, up to 3 months.~~
- (4) The CEO is to ~~immediately~~ advise all Council Members when and for what ~~duration~~ period of time the Director is appointed as Acting CEO as soon as practicable before going on leave.
- (5) If the CEO is unavailable or otherwise unable to ~~make the decision to~~ appoint an Acting CEO in accordance with cl 2(1), then the Director with the longest tenure as a Director at the City is to be the Acting CEO until further decision of the Council ~~Council will, by resolution, appoint an Acting CEO.~~
- (6) Council may, by resolution, extend an Acting CEO period under cl 2(5) beyond ~~3 months~~ 6 months if the substantive CEO remains unavailable or unable to perform their functions and duties.

3. Appointment of Acting CEO for ~~extended~~ leave periods greater than ~~6 months~~ 3 months but less than 12 months

- (1) This clause applies to ~~the following~~ periods of leave greater than 3 months but less than 12 months ~~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 by for periods greater than 6 months but less than 12 months, as follows:~~
 - a. ~~Appoint~~ appointing one Director, or multiple Directors for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. ~~Conduct~~ conducting an external recruitment process in accordance with the principles of merit and equity ~~5(1)e~~.
- (3) The Mayor will liaise with the CEO, or in their unplanned absence, the Director Corporate Services to coordinate Council reports and resolutions necessary to facilitate the appointment and/or employment in the position of Acting CEO ~~an Acting CEO appointment.~~
- (4) Subject to Council's resolution, the Mayor will execute in writing documentation to record the Acting CEO appointment with administrative assistance from the Manager ~~Human Resources~~ People and Culture.

4. Appointment of Acting CEO during periods of suspension

- (1) This clause applies to periods when a person in the substantive position of the CEO is suspended.
- (2) The Council will, by resolution, appoint an Acting CEO by:

- a. appointing one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of suspension~~extended leave~~;
or
- b. conducting an external recruitment process in accordance with the principles of merit and equity.

(3) The Mayor will liaise with the Director Corporate Services to coordinate Council reports and resolutions necessary to facilitate the appointment and/or employment in the position of Acting CEO.

(4) Subject to Council's resolution, the Mayor will execute in writing documentation to record the Acting CEO appointment and/or employment with administrative assistance from the Manager People and Culture.

5. Appointment and Employment of Temporary CEO – Substantive Vacancy

(1) ~~If in the event that~~ the substantive CEO's employment with the City is ending, the Council, when determining to appoint and/or employ a Temporary ~~an Acting~~ CEO, may either:

- a. by resolution, appoint a Director as the Temporary~~Acting~~ 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 Director as the interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed; or
- ~~b-c.~~ following an external recruitment process, in accordance with the principles of merit and equity ~~prescribed in section 5.40 of the Act, appoint an Acting~~ employ a Temporary CEO ~~for the period of time~~ until the substantive CEO has been recruited and commences employment with the City.

(2) Where a Temporary CEO is to be employed for a term of more than three months, a written contract will be required for that incoming person.

(3) The Mayor will liaise with the Director Corporate Services to coordinate Council reports and resolutions necessary to facilitate the appointment or employment of the Temporary CEO~~an Acting CEO appointment.~~

(3) The Mayor is authorised to execute in writing documentation to record the appointment or employment of a Temporary of an Acting CEO in accordance with Council's resolution/s, with administrative assistance from the Manager ~~Human Resources~~ People and Culture.

6. Remuneration and Conditions of Acting or Temporary CEO

(1) Unless Council otherwise resolves, ~~an employee~~ Director appointed as Acting CEO shall be remunerated at the following percentages, being a pro rata allowance, based on the period of higher duties, equivalent to \$15,000 per annum. This allowance will be paid in addition to their current rate of remuneration. ~~of the cash component only of the substantive CEO's total reward package:~~

1 – 4 weeks	70%
4 – 8 weeks	80%
> 8 weeks	90% to 100%* ~~{at the CEO's discretion}~~

(2) Council will determine by resolution the remuneration and benefits to be offered to the incoming person being placed in the position of 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, the terms of appointment or employment of any Acting or Temporary CEO.

Related Documents

Legislation & Local Laws	<i>Local Government Act 1995 ss.5.39(1) and (2)(a), 5.39C</i>
Relevant Delegations	<i>Local Government (Administration) Regulations 1996</i>
Strategies & Plans	Nil
Related Council Policies	OP-HR-15 Higher Duties and Additional Responsibilities Policy <u>Standards for CEO, Recruitment, Performance and Termination</u>
Procedures, Documents & Forms	

Policy Owner

Directorate	Corporate Services
Department	People and Culture

Review Management

Next review due: 2031

Version Management

Version	Date	Council Resolution Number	Description
1.0	December 2021	154913	Original Policy Adopted
2.0			