

Temporary Employment or Appointment of Chief Executive Officer

Policy Objective

To prescribe the process for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or vacancy in accordance with section 5.39C of the *Local Government Act 1995 (Act)*.

Policy Scope

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

Policy Statement

Definitions:

Acting CEO means a person appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on leave for any reason.

Temporary CEO means a person appointed to fulfil the statutory position of CEO for the period of time between when the substantive CEO's employment has ended and a new substantive CEO, appointed by Council, commences employment.

CEO Leave Entitlements

1. The CEO is contractually entitled to leave conditions as specified in their employment contract and subject to relevant industrial and employment law.
2. Approval for the CEO to take leave entitlements is at the written discretion of the Shire President, or where the Shire President is on an approved leave of absence, the Deputy Shire President. The Shire President / Deputy Shire President, as applicable, cannot unreasonably withhold approval.

Acting and Temporary CEO

3. When the CEO is on leave or the CEO's employment with the Local Government has ended, an Acting or Temporary Chief Executive Officer is to be appointed in accordance with this Policy to fulfil the duties and functions of CEO as detailed in section 5.41 of the Act.
4. Through this policy and in accordance with section 5.36(2)(a) of the Act, Council determines that persons appointed as the incumbent to a position of Director are considered suitably qualified to perform the role of Acting or Temporary CEO. A person appointed as Acting Director is not included in this determination.

Appointment of an Acting Chief Executive Officer – Planned and unplanned leave or work-related absences for periods up to 5 weeks

5. The CEO is authorised to appoint a Director in writing as Acting CEO, where the CEO is on planned or unplanned leave or is at work but interstate or overseas, for periods not exceeding 5 weeks, 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.
6. The CEO is to immediately advise all Council Members when and for what period of time a Director is appointed as Acting CEO.
7. If the CEO is unable to or unavailable to make the decision to appoint a Director, then the following line of succession shall apply until the Council can, at the earliest opportunity, make a decision to appoint an Acting CEO.
 - a. The Director Corporate Services will act as CEO; or
 - b. If the Director Corporate Services is unable or unwilling, the Director Infrastructure will act as CEO; or
 - c. If the Director Infrastructure is unable or unwilling, the Director Development Services will act as CEO.

Appointment of an Acting Chief Executive Officer – Extended Planned Leave periods greater than 5 weeks but less than 12 months and Suspension.

8. Extended Planned Leave may include; accumulated annual leave, long service leave or personal leave. The following protocol also applies where the incumbent CEO has been suspended or stood down.
9. The Council will, by resolution, appoint an Acting CEO during periods of extended planned leave greater than 5 weeks but less than 12 months or suspension, as follows:
 - a. Appoint one or multiple Directors as Acting CEO for defined periods to ensure the CEO position is filled continuously for the period of extended leave or suspension; and / or
 - b. Conduct an external recruitment process in accordance with clause 12(c)(iii) below.
10. The Shire President / Deputy Shire President, as applicable, will liaise with the CEO, or in their absence the Manager People and Culture, to coordinate Council resolutions necessary to facilitate the appointment of an Acting CEO.
11. Subject to Council's resolution, the Shire President / Deputy Shire President, as applicable, will execute in writing appointment of an Acting CEO with administrative assistance from the Manager People and Culture.

Appointment of a Temporary Chief Executive Officer – Vacancy.

12. In the event that the incumbent CEO's employment with the Shire has ended or is ending, the following applies:
 - a. If Council has already appointed by resolution an Acting CEO, that person shall act as the Temporary CEO for the period of time for which the Council resolution specifies.

- b. If Council has not appointed an Acting CEO and the incumbent CEO's employment has already ended, then until a Special Council Meeting can be convened to formally determine an appointment, the following interim measures shall apply:
 - i. The Director Corporate Services will be the interim Temporary CEO;
 - ii. If the Director Corporate Services is unable or unwilling, the Director Infrastructure will be the interim Temporary CEO;
 - iii. If the Director Infrastructure is unable or unwilling, the Director Development Services will be the interim Temporary CEO.
 - c. When determining to appoint a Temporary CEO the Council may either:
 - i. by resolution, appoint a Director 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
 - ii. by resolution, appoint a Director as an interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; and / or if the incumbent CEO's employment has not yet ended,
 - iii. Undertake an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, to appoint a temporary CEO for the period of time until a substantive CEO has been recruited and commences employment with the Local Government.
13. The Shire President / Deputy Shire President, as applicable, will liaise with the Manager People and Culture to coordinate Council resolutions necessary to facilitate the appointment of a Temporary CEO.
14. The Shire President / Deputy Shire President, as applicable, is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Manager People and Culture.

Remuneration and conditions of Acting CEO

15. Unless Council otherwise resolves, a person acting as CEO shall be remunerated at 100% of the cash component only of the substantive CEO's total reward package.
16. In accordance with section 5.39(1a)(a) of the Act, a Director, as an existing employee of the Local Government, can act in the position of CEO for a term not exceeding one year without a written contract for the position.
17. In accordance with section 5.39(2)(a) of the Act, appointment of a person as Acting or Temporary CEO, who is not an existing employee of the Local Government, will require a contract for a term not exceeding one year, subject to compliance with all other contract requirements within the Act.
18. Subject to employment and industrial relations law advice, Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Document Control Box							
Document Responsibilities:							
Owner:	Chief Executive Officer			Owner Business Unit:	Governance		
Reviewer:	Manager Governance, Strategy & Risk			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	S5.39 Contracts for CEO and senior employees <i>Local Government Act 1995</i> S5.39C Policy for temporary employment or appointment of CEO						
Industry:							
Organisational:							
Document Management:							
Risk Rating:	Low	Review Frequency:	Triennial	Next Due:	5/2024	Records Ref:	
Version #	Decision Reference:		Synopsis:				
1.	27/5/2021		C/0521/016 – New Policy and retirement of Appointment of Acting Chief Executive Officer Policy				
2.							