

# City of Greater Geraldton Council Policy

## 4.27 ACTING OR TEMPORARY APPOINTMENT TO CEO

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### SUSTAINABILITY THEME

#### Leadership

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### OBJECTIVES

The objective of this policy is to outline the process by which Council appoints an Acting or Temporary Chief Executive Officer (CEO).

### POLICY STATEMENT

The Council recognises that it is imperative for the continued efficient operations of the City of Greater Geraldton (the City) and to enable the efficient functioning of the Local Government's administration, it is appropriate for a person to perform the duties in an Acting or Temporary capacity of the CEO during periods of absence of the CEO.

This policy outlines the process by which Council will appoint a Temporary or Acting CEO as required by Section 5.39C of the *Local Government Act 1995* (the Act).

### POLICY DETAILS

In accordance with the requirements of Section 5.36(1), the Act requires that a local government is to employ a person to be the CEO of the local government. There are special constraints under Section 5.36(2) of the Act which apply to the employment of a person as CEO. These are that a person is not to be employed in the position of CEO unless the council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract.

Compliance with Section 5.39C of the Act requires every local government to adopt (by absolute majority decision) a policy that sets out the process to be followed by the local government in relation to the employment of a person (being an existing employee or otherwise) in the position of CEO for a term not exceeding one (1) year.

#### 1. Acting CEO Appointments

When the CEO is on leave or the CEO's employment with the Local Government has ended, an Acting CEO 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.

Through this policy and in accordance with Section 5.36(2)(a) of the Act, the Council determines that persons appointed as the incumbent to a position of Director are considered suitably qualified to perform the role of Acting CEO.

##### 1.1. The City's Directors are:

- Director Corporate Services
- Director Development Services
- Director Community and Culture
- Director Infrastructure Services

## 2. CEO Leave Entitlements

The CEO is contractually entitled to leave conditions as specified in their employment contract and subject to relevant industrial and employment law.

2.1. Approval for the CEO to take leave entitlements is at the written discretion of the Mayor.

2.2. If the Mayor is on an approved leave of absence, the Deputy Mayor will perform the functions of the Mayor in accordance with Section 5.34 of the Act.

## 3. Appoint Acting CEO – Planned or unplanned leave for up to three (3) months

3.1. The CEO is authorised to appoint a City Director as Acting CEO, where the CEO is on planned or unplanned leave or is at work but interstate or overseas, for periods not exceeding three (3) months subject to; the CEO's consideration of the Director's performance, availability, operational requirements and where appropriate, equitable access to professional development opportunities.

3.2. The CEO must appoint an Acting CEO for any absence greater than five (5) working days (inclusive of any public holidays) or; for a lesser period if during such a period the CEO is unlikely to be readily contactable or able to perform their functions, should an emergency arise.

3.3. The CEO is to advise the Mayor of any such acting appointments, ensuring approval for leave has been received in writing prior to any Director being appointed into the role of Acting CEO.

3.4. The appointment of an Acting CEO will be made formally in writing.

## 4. Appoint Acting/Temporary CEO – Extended planned or unplanned leave for periods greater than three (3) months but less than one (1) year

4.1. Extended planned or unplanned leave for periods greater than three (3) months but less than one (1) year may include; accumulated annual leave, long service leave, personal leave. The following protocol will also apply where the incumbent CEO may have been suspended or stood down.

4.2. The Council will, by resolution, appoint an Acting CEO during periods of extended planned or unplanned leave greater than three (3) months but less than one (1) year.

4.3. The Council may:

- 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
- Conduct an external recruitment process in accordance with clause 5.4 below.

4.4. The Mayor will liaise with the CEO, or in their absence the Manager Organisational Development, to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

## 5. Appointing a Temporary CEO – Substantive Vacancy

In the event that the incumbent CEO's employment with the City has ended or is ending, the Council by resolution may apply the following protocols:

5.1. If the Council has already, by resolution, appointed an Acting CEO, that person shall act as the Temporary CEO for the period of time for which the Council resolution specifies, unless otherwise determined by Council.

5.2. If the Council has not appointed an Acting CEO and the incumbent CEO's employment has already ended, then until a Council Meeting is held to formally determine an

appointment, by resolution, a Director will be appointed in the interim to Acting CEO by the Mayor.

- 5.3. The Council, by resolution, may 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
  - 5.4. 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.
  - 5.5. The Mayor will liaise with the Manager Organisational Development to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment greater than three (3) months but less than one (1) year.
  - 5.6. 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 Organisational Development.
6. **Conditions of Acting or Temporary CEO**
- 6.1. In accordance with Section 5.39(7) of the Act, a CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 Section 7A, this remuneration level will apply in any Acting or Temporary CEO capacity.
  - 6.2. 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.
  - 6.3. In accordance with Section 5.39(2)(a) of the Act, appointment of a person as a Temporary CEO, who is not an existing employee of the Local Government will require a contract for a term not exceeding one (1) year, subject to compliance with all other Act contract requirements.
  - 6.4. Subject to employment and industrial relations law advice, the Council retains the right to terminate or change, by resolution, any Temporary CEO appointment.

## KEY TERM DEFINITION

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

**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.

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

**City** means the City of Greater Geraldton.

**Local Government** means the City of Greater Geraldton.

**Director** means member of the Executive Management Team .

**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 is appointed.

## ROLES AND RESPONSIBILITIES

Manager Organisational Development is responsible for implementing this policy.

## WORKPLACE INFORMATION

*Local Government Act 1995*

*Local Government Legislation Amendment Act 2019*

## POLICY ADMINISTRATION

Directorate		Officer	Review Cycle	Next Due
Corporate Services		Manager Organisational Development	Biennial	2025
Version	Decision Reference	Synopsis		
2.	<a href="#">CS064</a> 26/09/2023	Policy Review		