COUNCIL POLICY 1.2.4
Administration

Title:	1.2.4 TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO
Adopted:	15 September 2021
Reviewed:	Biennially (last reviewed 30 April 2025)
Associated Legislation:	Local Government Act 1995 Local Government (Administration) Regulation 1996
Associated Documents:	Nil
Review Responsibility:	Manager Governance & Community
Delegation:	N/A

Objective:

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Mingenew'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 Statement:

1. 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.

2. 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 Manager Corporate Services, Manager Governance and Community, or Works Manager are considered suitably qualified to perform the role of Acting or Temporary CEO.

(3) A person appointed to act in the position of Manager Corporate Services, Manager Governance and Community,, or Works Manager is not included in the determination set out in Clause 3 (2).

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

(1) The CEO is authorised to appoint the Manager Corporate Services, Manager Governance and Community,, or Works Manager 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 Manager'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 Manager 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:

a) The Manager Corporate Services will be appointed as Acting CEO; or

b) If the Manager Corporate Services is unable to act, the Manager Governance and Community will be appointed as Acting CEO; or

c) If the Manager Governance and Community is unable to act, the Manager Works 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.

4. 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:

a) 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

b) Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).

(3) The President will liaise with the CEO, or in their unplanned absence the Manager Governance and Community to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

(4) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Governance and Community.

5. Appoint Temporary CEO – Substantive Vacancy

(1) In the event that the substantive CEO's employment with the Shire of Mingenew is ending, the Council when determining to appoint a Temporary CEO may either:

a) by resolution, appoint Manager Corporate Services, Manager Governance and Community, or Works Manager 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

b) by resolution, appoint Manager Corporate Services, Manager Governance and Community, or Works Manager 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 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 will liaise with the Manager Governance and Community to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

(3) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Governance and Community Manager.

6. Remuneration and conditions of Acting or Temporary CEO

(1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 100% 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.