Temporary Employment or Appointment of CEO Policy

Legislation / local law requirements	*Local Government Act 1995* • s5.36 Local government employees • s5.39 Contracts for CEO and senior ~~employee's~~employees • s5.39C Policy for temporary employment or appointment of CEO • s5.40 Principles affecting employment by local governments. *Local Government (Administration) Regulations Act 1996*
Relevant delegations	Delegation 2.2.1 - Appointment of an Acting CEO
Related policies, procedures and supporting documentation	Nil~~A~~

PRELIMINARY

INTRODUCTION

~~S~~Pursuant to ~~s~~ection 5.36 of the *Local Government Act 1995* (Act) requires ~~, it is a requirement that~~ Council to employ a person to be the Chief Executive Officer (CEO).

The CEO ~~enable the functions~~manages the administration of the Local Government and supports the Council in performing its functions. ~~the functions of Council to be performed.~~

~~The manner of the recruitment is prescribed in T~~the Act and the *Local Government (Administration) Regulations 1996* set out relevant requirements for appointing an Acting CEO or employing a Temporary CEO.

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

PURPOSE

This policy sets out the process ~~in relation to the appointment of Senior Employees (Executive Directors)~~ for appointing an Acting CEO or Temporary CEO ~~to act in the position of CEO~~ for ~~a a term not exceeding one year.~~period of less than 12 months. It supports continuity of leadership and fair and merit-based employment decisions.

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 CEO when the substantive CEO is unavailable on planned or unplanned leave or
- ~~a~~ Temporary CEO when the substantive CEO position becomes vacant.~~for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office..~~

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SCOPE

This policy applies to the statutory position of CEO of the City of Vincent.

~~POLICY PROVISIONS~~

DEFINITIONS

Acting CEO means an ~~person~~ employee ~~employed or~~ appointed to ~~fulfil the statutory position of~~perform the CEO role ~~during a period where~~while the substantive CEO remains employed but is unavailable, including on planned or unplanned leave.

Temporary CEO means a person ~~employed or appointed~~employed to perform the~~fulfil the statutory position of~~ CEO role after the ~~for the period between the end of the~~ substantive CEO's employment ends or where Council decides a temporary employment arrangement is required~~and the appointment and commencement of a newly appointed substantive CEO~~.

Executive Management Committee (EMC) means the City of Vincent's employees who lead and oversee the organisation's strategic and operational work.

EMC member means a person appointed to the EMC. This policy excludes members in an acting position from being appointed by the CEO. Council resolution is required to appoint a member of the EMC who is acting in their position.

Merit means selecting the best person, based on skills and experience, to perform the role's functions. It means comparing candidates' work-related qualities to determine who is best suited based on relative ability. The assessment of merit applies the principles of merit and equity under section 5.40 of the Act to employment decisions.

A merit-based process is a process designed to identify the most suitable person to perform the role's functions. The process must be transparent, meaning information about it is readily available to all potential candidates.

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

~~POLICY~~PRINCIPLES

1. The policy's primary objective is to maintain operational continuity and ensure the uninterrupted performance of the CEO's statutory functions.

2. As far as practical, decision-makers use a merit-based process to inform their decisions.

POLICY

3. ~~Appoint~~ Acting CEO ~~– Planned and unplanned leave for periods~~ up to ~~6~~ 12 weeks

3.1 Clause 3 applies if the substantive CEO is unavailable for more than 48 hours and less than 12 weeks.

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3.2 The City will advise all employees and Council Members of the Acting CEO appointment.

3.3 An appointment under clause 3 must not continue for more than 12 weeks unless Council appoints an Acting CEO under clause 4.

CEO is available to appoint

3.4 Under Council Delegation 2.2.1 – Appointment of an Acting CEO, the CEO may appoint an Acting CEO if:

3.4.1 The appointment is for more than 48 hours and no longer than 12 weeks, and

3.4.2 The employee appointed is an EMC member.

3.5 Before appointing an Acting CEO, the CEO will, as far as practicable, consider each EMC member's suitability for the role, relative merit, the City's operational needs and the availability of members, before deciding who to appoint as Acting CEO.

The CEO is unavailable to appoint an Acting CEO

3.6 If the CEO is unavailable or unable to appoint an Acting CEO, the Governance Manager with the agreement of the HR Manager and following consultation with the Mayor, may appoint an Acting CEO for a maximum period of two weeks. They cannot appoint themselves.

~~1.~~

~~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 CEO will consider each member's relative suitability for the role, the City's operational needs and the availability of members.~~

~~• 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.~~

~~2. The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.~~

~~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.~~

3.7 The Governance Manager may rotate the Acting CEO role between EMC members to meet the City's operational needs. Any decision must be based on relative merit, availability and

business requirements. Rotation is not automatic.~~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~~

Other appointments

3.8 If the City cannot appoint an Acting CEO under clauses 3.4 or 3.6, Council may appoint a suitable employee.

~~3.1~~3.9 If Council cannot appoint a suitable employee, Council may appoint a Temporary CEO under clause 5.

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

4.1 ~~This clause~~Clause 4 applie~~s to~~s if the substantive CEO is unavailable for more than 12 weeks and less than 12 months. ~~, such as due to planned or unplanned leave,otherwise , whether due to leave or other reasons.~~

~~4.1~~4.2 Council appoints the Acting CEO by resolution.

~~• 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.~~

4.3 ~~The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months~~As far as practicable, Council will first consider available EMC members through a merit-based process.

4.4 If Council cannot appoint a suitable employee under this clause, Council may appoint a Temporary CEO under clause 5.

~~4.2 , 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).~~

~~4.3~~4.5 The Mayor will ~~liaise with~~work with the CEO, or ~~in their unplanned absence~~if the CEO is unavailable, ~~the Executive Manager Corporate Strategy and Governance~~Governance Manager and HR Manager, to ~~coordinate~~ prepare the Council reports and resolutions ~~necessary~~ needed ~~to facilitate an~~for the Acting CEO appointment.

~~4.4~~ Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative ~~assistance~~ support from the ~~Executive Manager Corporate Strategy and GG~~overnance Manager and HR Manager.

~~4.5~~4.6

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5. Appoint Temporary CEO – Substantive Vacancy

5.1 Council appoints a Temporary CEO if~~In the event that~~ the substantive CEO's employment with the City of Vincent is ending or has ended~~, the Council when determining to appoint a Temporary CEO~~. In the meantime, the vacancy in the substantive CEO position is advertised.

5.2 Council will prioritise business continuity and, when practical, support the appointment of the person it considers most suitable as Temporary CEO, whether internal or external to the organisation, using a merit-based process.

5.3 The Temporary CEO fulfils the statutory CEO functions for the period that the substantive CEO position is vacant.

5.4 Council appoints a person to be a Temporary CEO only if it considers them suitable for the role. Council appoints the Temporary CEO by resolution.

5.5 Council may appoint either:

5.5.1 an interim Temporary CEO, for the period the CEO position is vacant until Council appoints a Temporary CEO through an external recruitment or secondment process, or

5.5.2 A Temporary CEO, for the period the CEO position is vacant until the new substantive CEO commences.

5.6 The Mayor will liaise with the Governance Manager and HR Manager to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

5.7 Subject to Council resolution, 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 Governance Manager and HR Manager.

~~5.1~~

~~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.~~

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~~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.~~

OFFICE USE ONLY	
Responsible Officer	Executive Manager Corporate Strategy and Governance
Initial Council Adoption	17/05/2022
Previous Title	N/A
Reviewed / Amended	XX/XX/2026
Next Review Date	~~05/2026~~ XX/XX/2030