

Appointment of an Acting Chief Executive Officer

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	October 2020; 21 June 2023

Objective

To prescribe the processes for the appointment of an Acting Chief Executive Officer in expected and unexpected circumstances.

Policy

CEO Leave Entitlements

1. The Chief Executive Officer (CEO) is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.
2. A "CEO Application for Leave Form" is to be completed for all instances of leave.
1. When the CEO is on leave, an Acting Chief Executive Officer (Acting CEO) is to take up their duties in accordance with this Policy.

Appointment of an Acting Chief Executive Officer – Expected leave periods four (4) weeks

3. Acting arrangement for the position of CEO for leave periods equal to or less than 4 weeks is at the discretion of the CEO in accordance with Delegation 1.1.26.
4. The following Council conditions on this delegation apply:
 - a. The Shire employee appointed to act must be a senior employee holding the title of Executive Manager.
 - b. The Executive Manager appointed to act as Chief Executive Officer at the discretion of the Chief Executive Officer, is subject to performance and dependent on availability and operational requirements.
 - c. Appointments to the role of Acting Chief Executive Officer under this delegation may not be for a period longer than four (4) weeks without the approval of Council.
 - d. The Chief Executive Officer is to advise the Council when an Executive Manager is to be appointed as Acting Chief Executive Officer.
5. Appointment to the role of Acting CEO shall be made in writing, for a defined period, that does not exceed four (4) weeks.

Appointment of an Acting Chief Executive Officer – Leave periods in excess of 4 weeks but no more than 12 months

6. Acting arrangements in excess of one (1) month must be selected on the basis of merit and equity; with specific regard to sub-section 5.36(3) and Section 5.40 of the Local Government Act 1995.
7. The CEO will then make a recommendation to Council on the preferred officer.
8. Acting arrangements for periods in excess of four (4) weeks must be approved by a resolution of Council.

Appointment of an Acting Chief Executive Officer – Unexpected leave or vacancy

9. In the event that the CEO:
 - a. takes unexpected leave
 - b. is incapacitated
 - c. is unable to perform their duties as a result of a disaster or crisis event
 - d. the position falls unexpectedly vacant;) or
 - e. is suspended or terminated;

the following shall occur:

- a. if Council has already appointed an Acting CEO, that person shall act as CEO.
- b. If the Council has not appointed an Acting CEO, the following line of succession shall apply until Council appoints an Acting CEO:
 - i. the Deputy Chief Executive Officer will become the Acting CEO;
 - ii. if the Deputy Chief Executive Officer is unable or unwilling, the Executive Manager Development Services will be the Acting CEO;
 - iii. if the Executive Manager Development Services is unable or unwilling, the Executive Manager Technical Services will be appointed to act in the position;
 - iv. if no Executive Manager is able or willing to act as Acting CEO, then an employee deemed suitably qualified and experienced, and who is able and willing to act as CEO, will become the Acting CEO.
10. Where it is likely that a person will act as CEO under clause 10 for a period of more than five (5) working days, a Special Council Meeting shall be convened, upon request of the President, so that an ongoing acting appointment can be made.

Salary and conditions of Acting CEO

11. Unless Council otherwise resolves and the Acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates:
 - a. 80% of the substantive CEO's salary component if acting for less than 5 weeks; or
 - b. 90% of the substantive CEO's salary component if acting for more than 5 week