

SHIRE OF NANNUP – Council Policy



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| Policy Number: | ADM9 |
| Policy Type: | Administration Policy |
| Policy Name: | Temporary Employment or Appointment of Chief Executive Officer |
| Policy Owner: | Chief Executive Officer |
| Date of Approval | |
| Council Resolution # | Insert # (To be adopted by Absolute Majority) |

POLICY STATEMENT

Council is committed to ensuring a transparent, merit-based and lawful process for temporary CEO arrangements.

OBJECTIVE AND PURPOSE

Objective

To establish a clear, compliant and transparent framework for the temporary employment or appointment of a Chief Executive Officer (CEO) or Acting CEO, ensuring continuity of leadership and statutory functions of the Shire of Nannup.

Purpose

To set out the process in relation to the appointment of Executive Managers to act in the position of CEO for a term not exceeding one year in alignment with section 5.39C of the *Local Government Act 1995* (the Act).

DEFINITIONS

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| <i>Acting CEO</i> | Means a person employed or appointed to fulfill the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave. |
| <i>Temporary CEO</i> | Means a person employed or appointed to fulfill 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. |

SCOPE

This policy applies to -

- The temporary appointment of an Acting CEO during periods of leave, absence, or incapacity.
- The short-term employment of an interim CEO pending recruitment of a permanent CEO.

IMPLICATIONS

Temporary CEO arrangements will –

- Comply with the *Local Government Act 1995* and relevant regulations.
- Be time-limited and clearly documented.
- Be based on skills, experience and organisational capability.
- Ensure governance integrity and separation of roles between Council and administration.
- Support continuity of strategic and operational leadership.

IMPLEMENTATION

1. Acting and Temporary CEO Requirements and Qualification

- a) 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.
- b) 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 Executive Manager are considered suitably qualified to perform the role of Acting or Temporary CEO.

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

- a) The CEO is authorised to appoint an Executive 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 Executive Managers performance, availability, operational requirements and, where appropriate, the equitable access to the professional development opportunity.
- b) The CEO must appoint an Acting CEO for any leave periods greater than 5 days and less than 6 weeks.
- c) The CEO is to advise all Council Members when and for what period of time the Executive Manager is appointed as Acting CEO.
- d) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with sub clause (b), then the following line of succession shall apply -
 - (i) The Executive Manager Corporate Services will be appointed as Acting CEO; or
 - (ii) If the Executive Manager Corporate Services is unable to act, Executive Manager Works and Services will be appointed as Acting CEO.
- e) Council may, by resolution, extend an Acting CEO period under subclause (d) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

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

- a) This clause applies to the following periods of extended leave –
 - (i) Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and

- (ii) Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- b) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows –
 - (i) 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
 - (ii) Conduct an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act.
- c) The Shire President will liaise with the CEO, or in their unplanned absence the Executive Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- d) Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Services.

4. Appoint Temporary CEO – Substantive Vacancy

- a) In the event that the substantive CEO's employment with the Shire of Nannup is ending, the Council when determining to appoint a Temporary CEO may either –
 - (i) by resolution, appoint an Executive Manager as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Shire; or
 - (ii) by resolution, appoint an Executive Manager as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - (iii) 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 Shire.
- b) The Shire President will liaise with the Executive Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- c) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Executive Manager Corporate Support.

5. Remuneration and Conditions of Acting or Temporary CEO

- a) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90% of the cash component only of the substantive CEO's total reward package.

- b) 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.
- c) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

ROLES AND RESPONSIBILITIES

Council

Council retains overall responsibility for decisions relating to the acting or temporary employment or appointment of a CEO.

Shire President

Where specified in the policy or resolved by Council, the Shire President will –

- Act as the primary liaison between Council and the Acting or Temporary CEO.
- Provide leadership and support during the transition period.

Chief Executive Officer (Substantive CEO) (if applicable)

Where the substantive CEO is available (e.g. planned leave) –

- Ensure adequate handover of duties and responsibilities.
- Maintain oversight where appropriate (if not fully vacating responsibilities).

Executive Managers

The Executive plays a key support role and must –

- Assist the Acting or Temporary CEO to ensure uninterrupted delivery of services.
- Provide corporate knowledge and operational continuity.
- Recognise and respect the authority of the Acting or Temporary CEO.
- Ensure all decisions and actions align with Council resolutions and delegations.

Human Resources

Relevant administrative staff are responsible for –

- Coordinate the administrative aspects of the appointment process.
- Prepare Council reports and documentation relating to the temporary appointment, if required.
- Draft and manage employment contracts or variation agreements.
- Maintain accurate records of appointments, decisions, and terms.

Governance Advice

- Provide advice to Council and senior staff on legislative and policy requirements.
- Ensure processes align with WALGA guidance and internal policy.
- Ensure the appointment process and arrangements are auditable and compliant.

All Employees

All employees must –

- Acknowledge and respect the authority of the Acting or Temporary CEO.
- Continue to perform their duties in accordance with organisational policies and delegations.
- Support a smooth transition and maintain service delivery standards.

Accountability

All parties involved in the temporary appointment process are accountable for ensuring decisions are made in good faith, are properly documented, and are consistent with legislative and policy requirements.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the CEO to resolve in the first instance. In the event that an agreement cannot be reached, or if the CEO is incapacitated or otherwise not available, the matter will be referred to the Executive Manager Corporate Services for determination.

EVALUATION AND REVIEW

This policy will be reviewed every 3 years or earlier if –

- Legislative changes occur.
- WALGA guidance is updated.
- Identified governance improvements are required.

RELATED DOCUMENTS

- Council Member, Committee Member and Candidate Code of Conduct.
- Contract of Employment – CEO.

REFERENCES

Legislative Context

This policy operates in accordance with:

- *Local Government Act 1995*
 - Section 5.36 – Local government to employ CEO.
 - Section 5.39B – Recruitment, selection and appointment of CEO.
 - Section 5.39C – Policy for temporary employment or appointment of CEO.
 - Section 5.40 – Acts done by CEO.
- *Local Government (Administration) Regulations 1996*.
- Relevant WALGA guidelines and best practice governance standards.

RESPONSIBILITY FOR IMPLEMENTATION

Chief Executive Officer

| Version OCM Ref. # | Date: | Next Review | ECM Reference # |
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