



TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO

POLICY NUMBER: EXEC-CEO-003

PURPOSE

This policy applies to the statutory position of the CEO. To establish policy, in accordance with section 5.39C of the Act that details the City's processes for appointing an Acting or Temporary Chief Executive Officer for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

SCOPE

This policy applies to Council, the CEO and all persons appointed as acting or temporary CEO.

DEFINITIONS

Act means the Local Government Act 1995.

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.

Business Day means a day other than Saturday, Sunday or a public holiday recognised in Western Australia.

City means the City of Kalgoorlie-Boulder.

CEO means the Chief Executive Officer of the City.

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.

POLICY STATEMENT



The City is committed to ensuring it is compliant with its legislative and regulatory requirements and to ensuring accountability and transparency in its decision making and leadership.

POLICY DETAILS

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 City has ended, an Acting CEO 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 Act, 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 of Director is considered suitably qualified to perform the role of Acting or Temporary CEO.
- c. A person appointed to act in the position of Director is not included in the determination set out in clause 1(b).

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

- a. The CEO is authorised to appoint a Director 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 Director's 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 seven (7) Business Days and less than six (6) weeks.
- c. The CEO is to immediately advise all Council members when and for what period of time the relevant Director 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 clause 2(b), then the Mayor and Deputy Mayor shall jointly determine any appointment that shall be for a period of less than six weeks.
- e. Council may, by resolution, extend an Acting CEO period under subclause 2(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 relevant requirements.
- c. The Mayor will liaise with the CEO, or in their unplanned absence the Executive Leadership Team to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- d. Subject to Council's resolution, the Mayor will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager People and Culture.

4. Appoint Temporary CEO – Substantive Vacancy

- a. In the event that the substantive CEO's employment with the City is ending, the Council when determining to appoint a Temporary CEO may either:
 - i. by resolution, appoint an appropriately experienced 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
 - ii. 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.
- b. The Mayor will liaise with the Executive Leadership Team or Executive Manager People and Culture to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- c. 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 Leadership Team or Executive Manager People and Culture.

5. Remuneration and conditions of Acting or Temporary CEO

- a. Unless Council otherwise resolves, an employee appointed as Acting or Temporary CEO shall be remunerated at 80 percent (%) 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 CEO or Temporary CEO appointment.



COMPLIANCE REQUIREMENTS

Local Government Act 1995

RELEVANT DOCUMENTS

DOCUMENT CONTROL		
Responsible department	OCEO/Governance	
Date adopted by Council	18 December 2023	
Date of last review	December 2023	
Date of next review	December 2023	