

Shire of Mundaring

POLICY

APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER

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Committee Rec:	PROC6.04.07	Date:	12 Apr 2007
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Policy Cross Ref:	N/a	Delegation Ref:	N/a
Statute Ref:	s5.36 <i>Local Government Act 1995</i>		
Local Law Ref:	N/a		

PURPOSE

To appoint an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual, long service or extended sick leave.

DEFINITIONS

“**annual leave**” means annual leave in excess of 5 working days;

“**long service leave**” means long service leave in excess of 5 days;

“**extended sick leave**” means sick leave in excess of 5 working days;

“**council**” means the council of the Shire of Mundaring;

“**local government**” means the Shire of Mundaring; and

“**senior employee**” means an employee or a person belonging to a class of employee designated as ‘senior employee’ by the local government within the terms of s5.37 of the *Local Government Act 1995* (‘the Act’).

BACKGROUND

Section 5.36 of the *Local Government Act 1995* (the Act) requires that a local government is to employ a person to be the CEO of the local government.

There are special constraints under s5.36(2) of the Act which apply to the employment of a person as CEO, and it is considered those provisions apply also to the appointment of a person as Acting CEO where the appointment is made directly by resolution of the council, and where the person is not an existing employee of the local government who will perform the role of Acting CEO while employed under the employee’s existing Contract of Employment. This Policy does not purport to deal with the employment of a person who is not an existing employee of the local government directly by resolution of the Council.

The intent of this Policy is to deal with the appointment of an existing senior employee of the local government to perform the role of Acting CEO during the temporary absence of the existing CEO on extended sick leave; annual leave or long service leave.

If an existing employee of the local government is required to perform the role of Acting CEO, that can be achieved by:

1. resolution of the council on each occasion; or
2. the CEO under delegated authority from the council; or
3. the CEO by virtue of his/her authority under s5.41 and s5.44 of the Act, but an employee exercising the authorities so delegated to him/her would not be able to exercise the CEO's power of delegation.

It is intended that this Policy will operate in the area covered by 2 above, where the council delegates authority to the CEO to appoint an existing senior employee as Acting CEO, in which case the senior employee so appointed as Acting CEO would be able to exercise the CEO's power of delegation.

POLICY

1. It is intended that the Directors of Infrastructure Services, Corporate Services, Statutory Services and Community Services (senior employees) will carry out the role of Acting CEO during periods of absence of the CEO due to annual or extended sick leave, and that they will do so on a rotational basis of periods of 6 months commencing from the adoption of this Policy, with the first rotation ending 30 September 2007.
2. It is intended that a senior employee will only be appointed as Acting CEO under the terms of this Policy if:
 - i) the employee has performed the duties of his/her substantive position for a period of 12 months;
 - ii) in the opinion of the CEO the employee has satisfactorily performed his/her duties over the previous 12 months;
 - iii) in the opinion of the CEO and the employee, the employee has the capacity to perform the duties of Acting CEO along with his/her current duties satisfactorily; and
 - iv) this Policy does not apply to an employee who is temporarily acting in the role of a Director.
3. It is the intent of this Policy that the council will resolve to delegate to the CEO the power to appoint senior employees as Acting CEO in the circumstances contemplated by this Policy.
4. The CEO is to ensure that future contracts for senior employees reflect the terms and the intentions of this Policy.