

POLICY NO.	2.40		
POLICY	Designation of Senior Employees and Appointing an Acting Chief Executive Officer		
POLICY OWNER	Chief Executive Officer		
APPROVAL DATE	28 July 2021	Resolution No.	82/2021
NEXT REVIEW	July 2025		

1. POLICY OBJECTIVE

1.1. The objective of this Policy is to:

- a. To designate employees within the Shire as senior employees in accordance with section 5.37 of the *Local Government Act 1995*;
- b. To provide for the appointment of one of the Shire's senior employees to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer (CEO);
- c. Ensure compliance with section 5.39C of the *Local Government Act 1995* which requires:
 - (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following –*
 - (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*
 - * **Absolute majority required**
 - (2) *A local government may amend* the policy.*
 - * **Absolute majority required**
 - (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
 - (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

Document Control Statement

The electronic reference copy of this Policy is maintained by the Shire. Any printed copy may not be up to date and you are advised to check the electronic copy to ensure that you have the current version. Alternatively, you may contact the Shire.

2. POLICY STATEMENTS

2.1. Senior Employees

2.1.1. For the purposes of section 5.37 of the Act, the Council shall designate the following employees to be 'Senior Employees':

2.1.1.1. Deputy Chief Executive Officer

2.1.2. In accordance with the requirements of section 5.36(2), the Council has determined that the person appointed as the incumbent to the position of a Senior Employee are suitably qualified to perform the role of Acting CEO.

2.1.3. The Shire's Senior Employee will be appointed to perform the role of Acting CEO during limited absences of the CEO due to annual leave, extended sick leave, or other type of leave up to a maximum of three (3) months.

2.2. Application for Leave

2.2.1. An application for annual leave, long service leave, personal leave or an extended absence made by the CEO, is to be approved by the Shire President.

2.2.2. Approvals for leave may not be unreasonably withheld.

2.3. Appointment of Acting Chief Executive Officer

2.3.1. Appointment to the role of Acting CEO shall be made in writing prior to the period of appointment for a defined period that does not exceed three (3) months.

2.3.2. Acting arrangements for leave periods of up to three (3) months is to be at the discretion of the CEO.

2.3.3. A Council resolution is required for periods exceeding three (3) months.

2.3.4. Where the CEO appoints the Deputy CEO to the position of Acting CEO, the CEO is to advise all Elected Members in writing of the appointment and the period to which the appointment covers.

2.3.5. Any one of the Senior Employees may be appointed to the role of Acting CEO at the discretion of the CEO, subject to:

- The nature and type of decisions having regard to the operational requirements of the role of the Chief Executive Officer during the period of absence; and
- Performance and availability of the Senior Employee.

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2.4. Unexpected Leave or Vacancy

- 2.4.1. In the event that the CEO is required to take unexpected leave or is otherwise incapacitated, or the position falls unexpectedly vacant, and no appointment has been made for a period of over 3 days, the Deputy CEO will be the Acting CEO until Council appoints an Acting CEO, for a period of up to three (3) months.
- 2.4.2. A Council resolution is required for periods exceeding three (3) months.
- 2.4.3. If both the CEO and the appointed Acting CEO is unavailable during a period of absence, the role of Acting CEO shall be performed by a person determined by the CEO for a period of up to three (3) months.

3. STRATEGIC OBJECTIVE

3.1. This Policy aligns to the following strategic objective:

	<p><i>Deliver strong leadership and governance</i></p>
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4. DEFINITIONS

Shire	Means the Shire of Wiluna
Act	Means the <i>Local Government Act 1995</i>
Deputy Chief Executive Officer	Means the employee whose position title is the Deputy CEO and who reports directly to the Chief Executive Officer

5. LEGISLATION

5.1. Local Government Act 1995

- Section 5.36 – Local government employees
- Section 5.37 – Senior employees
- Section 5.39 – Contracts for CEO and senior employees
- Section 5.39C – Policy for temporary employment of appointment of CEO
- Section 5.40 – Principles affecting employment by local governments

5.2. Local Government (Administration) Regulations 2021

- Regulation 18A – Vacancy in position of CEO or senior employee to be advertised

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6. RELATED COUNCIL POLICIES

6.1. Formerly Policies 2.35 and 2.38

7. RELATED ORGANISATIONAL DIRECTIVES

Nil

8. RELATED DOCUMENTS

8.1. Delegations Register

8.2. Subdelegations Register

REVIEW PERIOD		Every 4 years, or as required	
VERSION CONTROL	DATE	APPROVAL BY COUNCIL OR UNDER DELEGATION	MINUTE NUMBER:
1	28 July 2021	Council	82/2021

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