

COUNCIL POLICY

 Adelaide Hills COUNCIL	CEO LEAVE APPROVAL POLICY
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Policy Number:	GOV-20
Responsible Department(s):	Office of the CEO People and Culture
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Nil
Relevant Procedure(s):	Acting or Higher Duties Procedure Leave Procedure
Relevant Legislation:	Local Government Act 1999 (SA) Fair Work Act 1994 (SA) Long Service Leave Act 1987 (SA)
Policies and Procedures Superseded by this policy on its Adoption:	Nil
Adoption Authority:	Council
Date of Adoption:	12 November 2024
Effective From:	19 November 2024
Minute Reference for Adoption:	409/24
Next Review:	No later than December 2027 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	19/11/2024	<i>New Policy</i>	<i>Council - Res 409/24</i>

CEO LEAVE APPROVAL POLICY

1. INTRODUCTION

- 1.1 The CEO Leave Approval Policy (the Policy) provides Council and its administration with principles and guidelines for managing leave entitlements for the Chief Executive Officer (CEO). The policy delegates approval of leave requests, provides that Council is kept informed of leave periods, and outlines Acting CEO arrangements during absences of the CEO.
- 1.2 This policy is to be read in conjunction with other relevant Council policies. The development of this policy has taken into account requirements of the *Local Government Act 1999* (Section 102).

2. OBJECTIVES

- 2.1 The objectives of this policy are to:
 - Provide direction in the event of the absence of the CEO
 - Ensure that Council is compliant with all legislative requirements and the agreed conditions of the CEO's employment agreement
 - Outline the process for the approval of leave requests and the appointment of an Acting CEO
 - Delegate the power to approve leave requests to the Mayor in consultation with the Deputy Mayor
 - Provide guidance to the CEO of persons who are suitably qualified to act as CEO during approved periods of leave (meeting the requirements of the CEO to consult with Council on the appointment of Acting CEOs).

3. DEFINITIONS

- 3.1 **“Absence of the CEO”** means:
 - 3.1.1 a period when the CEO is on leave 5 business days or longer, or
 - 3.1.2 if the leave is for a shorter period, the CEO is unable to perform the duties of the CEO under the *Local Government Act 1999*.
- 3.2 **“Chief Executive Officer”** means the appointed Chief Executive Officer for the Adelaide Hills Council.
- 3.3 **“Council”** means the elected body of the Adelaide Hills Council constituted pursuant to the Act.
- 3.4 **“Employment Agreement”** means the employment agreement executed between Adelaide Hills Council and the CEO.
- 3.5 **“Executive Leadership Team”** means an executive employee of Council, being specifically the Director Corporate Services, Director Environment and Infrastructure,

Director Community and Development or Executive Governance Officer, or a person acting in those positions.

4. SCOPE

4.1 The policy applies in respect of periods of annual leave, long service leave, sick or carer's leave, compassionate leave and parental leave taken by the CEO.

5. LEGISLATIVE OBLIGATIONS

5.1 Under s102 of the *Local Government Act 1999*, a person must be appointed to act in the absence of the CEO:

102—Person to act in absence of chief executive officer

In the absence of the chief executive officer, the following provisions apply:

- (a) if there is a deputy to the chief executive officer—the deputy must act in the office of the chief executive officer;
- (b) if there is no deputy or the deputy is absent—a suitable person appointed by the chief executive officer after consultation with the council must act in the office;
- (c) if a person is not appointed under paragraph (b)—a suitable person must be appointed by the principal member of the council to act in the office (after taking into account the organisational structure of the council);
- (d) if a person is not appointed under paragraph (c)—a suitable person must be appointed by any three or more members of the council to act in the office (after taking into account the organisational structure of the council).

6. POLICY STATEMENT

6.1 The CEO is eligible for annual leave, sick/carer's leave, long service leave, compassionate leave and parental leave as provided in their contract of employment and by relevant legislation.

6.2 Council acknowledges the importance of all employees accessing leave entitlements and will not unnecessarily withhold approval of leave requests.

6.3 In the absence of the CEO it is appropriate for a person to perform the duties of the CEO to enable the efficient functioning of the local government's administration and to remain compliant with the Act.

7. LEAVE REQUESTS AND APPROVAL

7.1 Council authorises the Mayor, in consultation with the Deputy Mayor, to grant approval for (or refuse) all leave requests up to and including periods of four (4) weeks duration.

7.2 The CEO shall provide reasonable prior notice for all leave requests where practicable.

7.3 The Mayor, in consultation with the Deputy Mayor, will give consideration to the CEO's leave requests in a timely manner.

- 7.4 If the Mayor has not responded to the leave requests in a timely manner, Council authorises the Deputy Mayor to grant approval for (or refuse) the leave request.
- 7.5 Any refusal of a leave request should provide reasons for that refusal.
- 7.6 If a leave request has been refused, the CEO can refer the leave request to Council for consideration and decision.
- 7.7 Periods of leave greater than four (4) weeks in duration will be provided to Council for consideration and decision.
- 7.8 Council is to be notified of all pre-approved periods of leave via email.
- 7.9 If the Deputy Mayor is on leave, the Mayor may consult with the Presiding Member of the CEO Performance Review Panel and the Presiding Member of the CEO Performance Review Panel is authorised to perform the roles of the Deputy Mayor outlined in this Policy.
- 7.10 If the Deputy Mayor and the Presiding Member of the CEO Performance Review Panel are unable to perform the roles outlined in this Policy, a leave request will be referred to Council.

8. ACTING CHIEF EXECUTIVE OFFICER APPOINTMENT

- 8.1 Council acknowledges the CEO's authority, under s102(b) of the *Local Government Act 1999*, to appoint an Acting CEO during periods of absence after consultation with the Council.
- 8.2 Council acknowledges that this Policy satisfies the CEO's obligation to consult with Council in relation to appointing an Acting CEO under s102(b) of the *Local Government Act 1999*.
- 8.3 Council notes the CEO will appoint one of the Executive Leadership Team to act in the role of the CEO during periods of absence.
- 8.4 Appointment to the role of Acting CEO must be made in writing by the CEO and Council is to be advised of the appointment by email, prior to the appointment starting.
- 8.5 In the event that the CEO has not appointed an Acting CEO, and is absent from the role, the Mayor has authority under s102(c) of the *Local Government Act 1999* to appoint a suitable person Acting CEO after taking into account the organisational structure of the Council.
- 8.6 In the event that the Mayor has not appointed an Acting CEO under section 8.5 of this Policy, three or more members of Council have the authority under s102(b) of the *Local Government Act 1999* to appoint a suitable person to Acting CEO after taking into account the organisational structure of the Council.
- 8.7 The Acting CEO will be afforded all delegated powers of the CEO whilst acting in the role.

9. DELEGATION

9.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any legislative, formatting, nomenclature or other minor changes to the Policy during the period of its currency.

10. AVAILABILITY OF THE POLICY

10.1 This Policy will be available via the Council's website www.ahc.sa.gov.au.