

## **11.13 Designated Staff**

Introduction

Objective To ensure continuity of authority in the unexpected absence of CEO.

History Adopted 20 April 2011

### **Policy Statement**

In accordance with the Local Government Act s.5.37, the following positions are Designated Staff as defined –

- i) Chief Executive Officer, as required by the Local Government Act,
- ii) ~~Deputy Chief Executive Officer~~
- iii) Works Supervisor
- iv) ~~Environmental Health Officer~~

– End of Policy

### **COMMENT**

~~This Policy is required to ensure validity of the Policy for Acting CEO by the Deputy CEO.~~

~~The Local Government Act requires that the CEO be appointed by Council, clearly requiring that Council also have some input into appointment of Acting CEO, when the CEO is on leave, or their employment concluded.~~

Legislative implications include –

- Local Government Act –
  - s.5.37 –
    - (1) Council may designate a particular employee or class of employees to be senior employees.
    - (2) Council is to approve the employment or dismissal of designated employees
  - s.5.39 –
    - (1) Designated employees must be under contract
    - (1a) Separate contract not required for an employee acting as CEO, ie: the CEO cannot authorise a person to take on the duty to use the delegations made to CEO in the Delegations Register.

~~In summary, Council must have a say in the appointment of CEO, whether permanent or acting, not just which position steps up, but the specific person. The CEO does not have the authority to make the decision.~~

~~The Department of Local Government advised –~~

~~*The Act requires that Council can not employ a person in the position of CEO unless they believe the person is suitability qualified. Therefore the DLG is of the view that Council has a say in who acts in place of the CEO for periods of leave both short and long. This can be done via a policy document that details who steps into the role or via resolution for each time the CEO goes on leave.*~~

~~*The policy you are planning would adequately address the issue. You may wish to consider, if you have a reasonably new deputy, to restrict the acting to planned or*~~

## Agenda Attachment 9.3.1j

~~unplanned short periods of leave (of sick) and perhaps long periods of leave, let Council make the appointment by resolution.~~

To cover unexpected situations and comply with the Act and Regulations, two policies are needed—

- stipulating Designated Officers
- authority to function as CEO in an acting capacity under certain conditions

The Policy for Acting CEO needs to be made by absolute majority, since it is authorisation for the Deputy CEO to be Acting CEO. To avoid the need to advertise the vacancy and terms of appointment of an Acting CEO, as well as a separate contract of employment, the policy should nominate a designated employee.

There are a range of factors in relation to designated staff or otherwise –

Employee class	Council involvement	Committee involvement	CEO involvement
CEO	<u>Required</u> to appoint, but may delegate selection and interview to a Committee.	<u>Permitted</u> to interview and recommend to Council. <u>Not permitted</u> to appoint, manage or direct.	As directed by Council, but usually none or very limited (to process, research, reporting).
Designated staff LG Act s.3.57	<u>Required</u> to consent to appointment or dismissal. <u>Not permitted</u> to manage or direct.	<u>Permitted</u> to interview and comment on recommendation of CEO to Council <i>(view not supported by DLG)</i> <u>Not permitted</u> to appoint, manage or direct.	<u>Required</u> to recommend appointment or dismissal. <u>Statutory</u> function to manage and direct.
	Interview & recommendation can be done by CEO alone or with Council/or input. DLG recommends no Councillor involvement, other than consent to appointment/dismissal.		
EHO	<u>If designated senior officer</u> – as above and Commissioner’s approval <u>In all cases</u> – approval of Commissioner for Health required for appointment or dismissal.		
Other (non-designated) staff	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Prohibited</u> – no involvement permitted in appointment, management or direction.	<u>Statutory</u> function to appoint, manage, direct etc.