

GOVERNANCE POLICIES

Organisation Structure and Designation of Senior Employees



Policy Number:	G2
Relevant Delegation:	Not Applicable
Adoption Details:	22 February 2016
Last Review Details:	25 November 2019

POLICY OBJECTIVE:

To set out the process for Council to discharge its responsibilities in relation to the organisation and senior employees under the *Local Government Act 1995* (LG Act).

POLICY SCOPE:

This policy applies to the discharge of responsibilities by the Council and the Chief Executive Officer under the *Local Government Act 1995* Sections 5.2 and 5.37-5.39.

POLICY STATEMENT:

INTRODUCTION

Section 5.2 of the Local Government Act requires the Shire of York Council to ensure that there is an appropriate structure for administering the local government.

Section 5.37 provides that the Council may designate selected employees or classes of employees as 'senior employees' under the LG Act. This then has the effect of requiring the Chief Executive Officer (CEO) to inform the Council of a proposal to appoint to such a position or to terminate the employment of a person occupying this position. The Council may reject or accept the CEO's proposal but if the Council rejects a recommendation, it must provide reasons to the Chief Executive Officer for doing so.

This policy sets out the process to be followed in order for Council to be informed of organisation structure and to determine how it wishes to proceed in relation to designation of senior employees.

PRINCIPLES

- (a) The Council has a clear process available to it for the discharge of its responsibilities under Section 5.2 and 5.37 of the *Local Government Act 1995*.
- (b) Any designation of a position as a 'senior employee' will be by resolution of Council after receipt of a formal report and recommendations by the CEO.

PROVISIONS

1. ORGANISATION STRUCTURE

- 1.1 The organisation structure will be set out on the Workforce Plan which will be presented to Council for its information. The Workforce Plan will be reviewed on a two-year cycle as provided for in the Local Government Act regulations.

2. SENIOR EMPLOYEES

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- 2.1 The CEO will provide a report with recommendations to Council on the designation of positions as a 'Senior Employee' under S 5.37 (1) of the LG Act in the following circumstances:
- (a) when a position designated as a 'Senior Employee' becomes vacant.
 - (b) within one month of the completion of any organisation restructure involving a restructure of second tier positions and/ or responsibilities.
 - (c) in any other circumstance where the Chief Executive Officer considers it necessary for the Council to consider the matter.
- 2.2 The CEO is responsible for fulfilling the Shire's obligations for the management of senior employees as follows:
- (a) provide a recommendation to the Council to employ, dismiss, or create a new Senior Employee position (LG Act s 37.(2).
 - (b) review the performance of each senior employee on an annual basis (LG Act S5.38).
 - (c) make determinations to exercise contract renewal options or re-negotiate existing employment contracts in accordance with the LG Act s 5.37.
- 2.3 Appointment of a person to a designated senior employee position on a temporary or acting basis will be in accordance with LG Act s 5.39 (1a).

PENALTIES:

Not applicable.

KEY TERMS/DEFINITIONS:

Not applicable.

Responsible Officer: Chief Executive Officer
 Contact Officer: Chief Executive Officer
 Relevant Legislation: Sections 5.2 and 5.37-5.39, Local Government Act 1995
 Review History:

Date Review Adopted:	Resolution Number
Date Adopted – 22 February 2016	
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