

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 301/08
5127953

BETWEEN WALID BAIG
Applicant

AND COHESIVE TECHNOLOGY
INTEGRATION (NZ)
LIMITED
Respondent

Member of Authority: Alastair Dumbleton

Representatives: Applicant in person
No appearance for Respondent

Investigation Meeting: 20 August 2008

Determination: 21 August 2008

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Mr Walid Baig's problem is an alleged failure by Cohesive Technology Integration (NZ) Limited, his former employer, to pay him for work performed in May 2008 during the four week period of notice of termination he had given under the terms of his employment agreement.

[2] Despite being given every opportunity to do so, Cohesive Technology Integration (NZ) Ltd has not participated in the investigation by the Authority of Mr Baig's problem. It has not attended the investigation meeting set for 21 August although, I am satisfied, the company was served at its registered office, and in good time, with the usual regulatory Notice about that meeting.

[3] Mr Baig has applied to the Authority for orders requiring his former employer to pay the salary and holiday pay due to him.

[4] I find from what Mr Baig has told me that after he resigned in writing with four weeks notice given at the beginning of May 2008, he continued working for the company under the supervision of its Operations Manager, Mr Shayne McLean. His standard pay for May was not credited to his bank account however in the usual way and he was not paid out for untaken annual holidays he had accrued during his employment.

Determination

[5] Cohesive Technology Integration (NZ) Limited is now therefore ordered to pay \$2,666.67 to Mr Baig, as salary due for his employment in May 2008. In addition the company is to pay \$1,476.92 as holiday pay for 12 days untaken leave owed to him. The company's pay record shows 11 days due as at 30 April and another day must be added to that for the May period of employment.

[6] The total due to Mr Baig is therefore \$4,143.59.

[7] Cohesive Technology Integration (NZ) Ltd is ordered to pay interest on that amount at the rate of 9%, from 1 June 2008 until the money has been paid to Mr Baig in full.

[8] The company is also to pay \$70 to Mr Baig as reimbursement for the cost of making his application to the Authority.

[9] If the amounts remain unpaid to him after service of this determination on the company, Mr Baig may invoke provisions of the Employment Relations Act 2000 to seek an order of compliance to enforce these orders of the Authority.