

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2020] NZERA 538
3105492

BETWEEN JO MORROW
 Applicant

AND NZRS NATIONAL LIMITED
 Respondent

Member of Authority: Eleanor Robinson

Representatives: Paul McBride, counsel for the Applicant
 Shay Narayan, advocate for the Respondent

Investigation Meeting: On the papers

Submissions and/or
further evidence 23 November 2020 from the Applicant
 15 December 2020 from the Respondent

Determination: 23 December 2020

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] In determination [2020] NZERA 455 in which it was determined that the Respondent, NZRS National Limited (NZRS) was to pay the Applicant, Ms Jo Morrow, the shortfall between the amounts paid to her as salary and the amounts that should have been paid to her between the period 1 April to 4 May 2020.

[2] In addition NZRS was to pay Ms Morrow holiday pay on the outstanding salary payments, KiwiSaver contributions on the full amount owed, and the Authority filing fee.¹

¹ *Jo morrow v NZRS National Limited* [2020] NZERA 455 at [35],[36] and [46]

[3] NZRS paid the sum of \$955.65 gross into Ms Morrow's bank account following the using of the determination on 6 November 2020. NZRS submits that the payment includes holiday pay of 8% and KiwiSaver contributions of 3%, in addition to the filing fee.

[4] Ms Morrow submits that NZRS, referencing the Statement in Reply dated 8 June 2020, admitted that it topped up Ms Morrow's wages with her annual leave.

[5] In determination [2020] NZERA 455, it was noted that NZRA did not require Ms Morrow to top up her salary with annual leave.

Is Ms Morrow owed the sum of \$2,921.22 gross?

[6] During her employment with NZRS Ms Morrow's contractual entitlement was \$54,000.00 per annum which was equivalent to a weekly payment of \$1,038.46 gross.

[7] During the period 1 April to 4 May 2020 Ms Morrow was paid the following amounts, as supported by payslips provided to the Authority by NZRS for the relevant periods:

Pay period 1 April 2020:	\$830.77 gross
Pay period 8 April 2020:	\$984.31gross
Pay period 15 April 2020:	\$830.74 gross
Pay period 22 April 2020:	\$830.74 gross
Pay period 29 April 2020:	\$830.88 gross
Pay period 6 May 2020:	\$1,038.46 gross

[8] This was a total payment to Ms Morrow of \$5,345.90 gross. What should have been paid to her was \$6,230.76 gross. This resulted in a shortfall payment of \$884.86 gross as owing to her.

[9] To that amount holiday pay was to be added calculated at 8%, the Kiwisaver contributions , and the Authority filing fee. The resulting payment to Ms Morrow was in the sum of \$955.65 gross.

[10] I am satisfied that this is the amount that should have been paid to Ms Morrow by NZRS.

[11] I determine that Ms Morrow is not owed the sum of \$2,921.22 gross by NZRS.

Eleanor Robinson
Member of the Employment Relations Authority