

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2012] NZERA Christchurch 36
5354406

BETWEEN Robert Prima
Applicant

A N D Camelot Hotel Limited
Respondent

Member of Authority: Helen Doyle

Representatives: Applicant in person
Respondent represented by Steve Penrose (Advocate)

Investigation Meeting 27 February 2012 in Christchurch

Date of Determination: 27 February 2012

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Robert Prima was employed by the Camelot Hotel Limited from in or about June 2010. He said that when he resigned from his employment in November 2010 there was money owing to him for incorrectly paid wages, working on a statutory day and a corresponding day in lieu, non payment of sick leave and holiday pay in the sum of \$2686.50 gross as set out below:

- 305 hours paid incorrectly at \$15 per hour instead of \$17 per hour \$710.00
- Canterbury Anniversary Day not paid at time and a half \$ 68.00
- Non-payment of 5 days sick leave 40 hours at \$17 \$680.00
- Day in lieu for working on Canterbury Anniversary Day \$136.00
- Total \$1594.00
- Holiday Pay on \$1594 x 8% \$127.52
- Holiday Pay on gross earnings to 19 November 2010
of \$12062.27 \$964.98

[2] Steve Penrose is the General Manager at Camelot Hotel Limited. He agreed that there was some money owing to Mr Prima by the company but he wanted to make some further enquiries.

[3] At the investigation meeting Mr Penrose said that the only amount the company does not accept is owing to Mr Prima is the sick leave because Mr Prima had either exhausted his sick leave or was within the first six months of his employment.

[4] After hearing some evidence from Mr Prima about the sick leave Mr Prima then advised that he no longer wished to pursue the sick leave aspect of his claim. It was agreed that the Authority would set out what it was agreed was owing to Mr Prima in a written determination without taking that aspect of the claim into account.

Determination

[5] Robert Prima is owed the gross sum of \$1952.10 made up as follows:

305 hours incorrectly paid in the sum of \$710.00.

Payment at time and a half for a statutory day worked in the sum of \$68.00.

Payment for a day in lieu for working on a statutory day in the sum of \$136.00.

Holiday pay on the total of the above three amounts multiplied by 8% in the sum of \$73.12.

Holiday pay on gross earnings (\$12062.27) at 19 November 2010 in the sum of \$964.98.

I order Camelot Hotel Limited to pay to Robert Prima the sum of \$1952.10 gross.

Costs

[6] Mr Prima was not represented but is entitled to reimbursement of his filing fee of \$71.56 and I so order.

[7] I commend the parties for their efforts in arriving at an agreement as to what was owed in this matter.

Helen Doyle
Member of the Employment Relations Authority