

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 88A/09  
5115830

BETWEEN                      BHAVIK THAKORLAL  
Applicant

AND                              VALKERIE LIMITED  
Respondent

Member of Authority:      Marija Urlich

Representatives:            In person, for Applicant  
                                      No appearance for Respondent

Investigation Meeting:     27 January 2009

Further Information  
Received:                      12 May 2009

Determination:              26 May 2009

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**SUPPLEMENTARY DETERMINATION OF THE AUTHORITY**

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[1]     In a determination dated 26 March 2009 (AA 88/09) I made the following orders in respect of Mr Thakorlal's claim for payment of outstanding annual leave entitlement:

(i)     **Annual leave**

[11]     Valkerie Limited accepts Mr Thakorlal's entitlement to annual leave remains outstanding. Mr Thakorlal took no annual leave during his employment with the respondent and was paid five days of that entitlement at the end of his employment.

[12]     The matter is referred to the Labour Inspectorate to calculate. All relevant documents held by the Authority which would assist the Labour Inspectorate should be provided. Once the calculation is complete and the parties had an opportunity to comment this matter can then be determined.

[2] On 12 May 2009 the Labour Inspector submitted a report calculating Mr Thakorlal's holiday pay entitlement. The report was posted to the parties that day along with a direction that any comment in relation to the findings therein should be filed with the Authority within 14 days of that date. The parties have made no comment. I move to determine this issue.

[3] The Labour Inspector's finding is that Valkerie Limited owes Mr Thakorlal \$3,069.96 (gross) in unpaid holiday pay entitlement. The Labour Inspector's report sets out the basis of this calculation, which I accept is correct.

[4] Mr Thakorlal's final pay included five days holiday pay entitlement of \$282.50 (net) (\$348.75 (gross)<sup>1</sup>). This sum should be deducted from the unpaid holiday pay entitlement.

**[5] Valkerie Limited is ordered to pay Bhavik Thakorlal \$2721.21 (gross) in outstanding holiday pay entitlement. Interest is to be calculated on this sum at the rate of 4% from date of determination until date of payment: refer schedule 2 clause 11 Employment Relations Act 2000.**

Marija Urlich

Member of the Employment Relations Authority

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<sup>1</sup> Refer Mr Thakorlal's pay calculation spreadsheet provided to the Authority