

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2013] NZERA Auckland 360  
5396873

BETWEEN                      DYLAN ANDREW JAMES  
PRICE-BRENNAN  
Applicant

A N D                              JIREH AUTO TYRES  
LIMITED  
Respondent

Member of Authority:      Rachel Larmer

Representatives:              Keshila Fayen, Advocate for Applicant  
William Hung, Representative for Respondent

Investigation Meeting:      On the papers

Information Provided:        15 July 2013 from Applicant  
19 July 2013 from Respondent  
11 August 2013 from Respondent

Date of Determination:      13 August 2013

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**DETERMINATION OF THE AUTHORITY**

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- A.      Jireh Auto Tyres Limited (Jireh Auto) is ordered to pay Mr Dylan Price-Brennan \$161.96 annual holiday pay within 28 days.**

**Employment relationship problem**

[1]      In its substantive determination dated 13 June 2013<sup>1</sup> the Authority held that Jireh Auto owed Mr Price-Brennan unpaid holiday pay. Because the Authority had not been provided with the necessary information to enable it to calculate the holiday pay owing the parties were given time to agree on the amount due.

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<sup>1</sup> [2013] NZERA Auckland 251

[2] Agreement has not been reached so Mr Price-Brennan now seeks an order from the Authority fixing the amount of holiday pay he is due.

[3] Mr Price-Brennan was employed by Jireh Autos for less than 12 months and he was paid for eight days annual holiday he took whilst still employed.

[4] Mr Price-Brennan's annual holiday pay is to be calculated in accordance with s.23(2) of the Holidays Act 2003. This requires him to be paid 8% of his total gross earnings, less any annual holiday pay he has already received.

[5] I make the following findings:

- a. Mr Price-Brennan's total earnings during his employment were \$10,124.50;
- b. 8% of \$10,124.50 is \$809.96;
- c. Mr Price-Brennan's hourly rate was \$13.50 per hour;
- d. Mr Price-Brennan worked six hours a day five days a week;
- e. Mr Price-Brennan was paid \$81.00 gross per day;
- f. Mr Price-Brennan received \$648 holiday pay whilst employed (8 days paid annual holiday x \$81 gross per day);

[6] Mr Price-Brennan is owed \$161.96 unpaid annual holiday pay (total gross earnings of \$809.96 less \$648 being amount already paid for holidays taken while employed).

[7] Jireh Auto is ordered to pay Mr Price-Brennan \$161.96 holiday pay within 28 days of this determination.

**Rachel Larmer**  
**Member of the Employment Relations Authority**