

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2020] NZERA 324  
3071933

BETWEEN                      DARLENE SHEREE MYLES  
Applicant

AND                              LEARNING CURVES  
MONTESSORI LIMITED  
Respondent

Member of Authority:            Helen Doyle

Representatives:                Edward Loughnan, counsel for the Applicant  
Robyn Ryan, advocate for the Respondent

Emails received:                5 and 16 June 2020

Date of Determination:        17 August 2020

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**SECOND DETERMINATION OF THE AUTHORITY**

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- A     Learning Curves Montessori Limited is ordered to pay to Darlene Sheree Myles the sum of \$360 gross being reimbursement of lost wages payable for the final two weeks of employment.**
- B     This order is in addition to other orders made for payments by Learning Curves Montessori Limited in the Authority determination *Darlene Sheree Myles v Learning Curves Montessori Limited* [2020] NZERA 206.**

## **Employment Relationship Problem**

[1] The Authority in its substantive determination dated 21 May 2020 made a number of orders in favour of Darlene Myles.<sup>1</sup>

[2] There was no appearance on behalf of Learning Curves Montessori Limited (Learning Curves) at the investigation meeting.

[3] The Authority was advised during the investigation meeting that there was a claim for unpaid wages for the final two weeks of work. This had not been claimed in the statement of problem. The Authority gave the respondent ten working days to respond to the final pay claim in its determination recognising that Learning Curves had not had an earlier opportunity to do so.<sup>2</sup> The Authority set out in the determination the amount that Ms Myles said she was owed for this period in her evidence.

[4] The Authority received an email dated 5 June 2020 from Robyn Ryan who is the managing director of Learning Curves.<sup>3</sup> Ms Ryan agreed in the email that due to an oversight there were unpaid wages owing to Ms Myles of \$360 gross for 15 hours work during her final two weeks.

[5] The Authority was advised by email dated 16 June 2020 that Ms Myles agreed with Ms Ryan's calculations and the amount for wages owing over that final two week period.

[6] The Authority has now been asked to provide a certificate of determination.

[7] It is necessary to make an order for the amount of unpaid wages owing to Ms Myles for work she undertook in her final two weeks of employment. This order is in addition to the other amounts that Learning Curves has been ordered to pay in the determination.<sup>4</sup>

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<sup>1</sup> *Darlene Myles v Learning Curves Montessori Limited* [2020] NZERA 206.

<sup>2</sup> At [36] and [37].

<sup>3</sup> After receipt of the determination.

<sup>4</sup> At [55].

**Order Made**

[8] I order that Learning Curves Montessori Limited pay to Darlene Sheree Myles the sum of \$360 being reimbursement of wages for the final two weeks of employment.

**Helen Doyle**  
**Member of the Employment Relations Authority**