

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2018] NZERA Christchurch 36
3024453

BETWEEN FIT FOR WORK (2016) LIMITED
Applicant

AND KAREN GARDNER
Respondent

Member of Authority: Andrew Dallas

Representatives: Christopher Jury for the Applicant
Respondent in person

Determination: 20 March 2018

CONSENT DETERMINATION

Employment Relationship Problem

[1] Fit For Work (2016) Limited (Fit for Work) lodged a statement of problem in the Authority alleging an overpayment had been made to a former employee Karen Gardner, and seeking recovery of the same.

[2] A case management conference was held on 27 February 2018 and a timetable of directions was issued by the Authority.

[3] By email dated 18 March 2018, Counsel for Fit for Work advised the parties had resolved their employment relationship problem. Ms Gardner subsequently advised the Authority this was, indeed, the case.

[4] The parties requested the Authority record the agreement reached between them in a Consent Determination. The Authority was agreeable to this course.

Consent Order

[4] By consent and by this determination the terms of agreement between Fit for Work and Ms Gardner, which are now made orders of the Authority, are:

- a) Ms Gardner agrees to refund an overpayment of salary of \$7000 in full and final settlement of an apparent overpayment during her employment with Fit for Work.
- b) Payment will be by way of the following instalments:
 - (i) \$3500 within 7 days of the date of this determination;
 - (ii) \$500 each further calendar month anniversary of the date of the determination until full payment is made;
- c) Costs will otherwise lie where they fall

[5] This determination is enforceable under section 137(1)(b) of the Employment Relations Act 2000.

Andrew Dallas
Member of the Employment Relations Authority