

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2015] NZERA Auckland 205
5551755

BETWEEN

PAULINE PILE
Applicant

AND

RICHMOND ROAD SCHOOL
BOARD OF TRUSTEES
Respondent

Member of Authority: Robin Arthur

Representatives: Douglas Mitchell, Counsel for the Applicant
Christine Chilwell, Counsel for the Respondent

Consent Memorandum: 9 July 2015

Determination: 10 July 2015

SECOND DETERMINATION OF THE AUTHORITY

- A. The conditions on which the Authority ordered the interim reinstatement of Pauline Pile pending the Authority's investigation and determination of her personal grievance are varied to provide that Ms Pile will remain on paid garden leave until either the Authority releases its determination or the parties otherwise resolve the matter, whichever is the sooner.**

[1] By a determination issued on 5 June 2015 the Authority ordered the interim reinstatement of Pauline Pile to her position as a teacher at Richmond Road School.¹ The conditions of the order required the Richmond Road School Board of Trustees (the Board) to restore Ms Pile to its payroll from the first week day following 5 June on 'garden leave' but allowed for the Board to direct that she not carry out any classroom duties until the start of term 3 (that is 20 July 2015).

¹ [2015] NZERA Auckland 159.

[2] The Board filed a challenge to the Authority's determination (EMPC 176/2015) but has reached an agreement with Ms Pile to seek a variation to the terms of her interim reinstatement on the basis that the Board would discontinue that proceeding in the Court. By joint memorandum of counsel the parties late yesterday sought a variation of the conditions on which the Authority ordered the interim reinstatement of Ms Pile.

[3] The order made at the head of this determination – labelled A – reflects the terms of the parties' agreement for variation of the conditions of reinstatement. It adds a further aspect – made at the Authority's discretion – that Ms Pile remain on paid garden until the earlier of *either* issue of the Authority's determination of her personal grievance application *or* the parties otherwise resolve the matter (should that occur).

Robin Arthur
Member of the Employment Relations Authority