

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2014] NZERA Christchurch 179
5375306

BETWEEN	SUSAN TULLOCH Applicant
AND	RESOURCE DEVELOPMENT CONSULTANTS LIMITED Respondent

Member of Authority: Christine Hickey

Representatives: Peter Moore, advocate for the applicant
Raewyn Gibson, advocate for the respondent

Determination: 7 November 2014

DETERMINATION OF THE AUTHORITY

- A. The matter has been re-opened to clarify the amount of pay Susan Tulloch should have received pursuant to the Authority's determination dated 12 November 2013.**
- B. Resource Development Consultants Limited should have paid Susan Tulloch her full pay up until 29 February 2012 and then two weeks' pay by way of notice or in lieu of notice.**

Employment relationship problem

[1] By way of joint memorandum dated 28 August 2014 the parties sought clarification from the Authority of how much should be paid to Susan Tulloch as a result of the Authority's determination on 12 November 2013 that Dr Tulloch should *receive reimbursement of wages to the end of February 2012*. The issue between the parties is whether the two weeks' notice Dr Tulloch had to be given under her individual employment agreement should be taken to be after that date or could be before that date. Also in the Authority's costs determination [2014] NZERA

Christchurch 59 the issue was addressed to an extent. However, the application of that has not been clear to the parties.

[2] I re-open the investigation pursuant to clause 4(1) of Schedule 2 of the Employment Relations Act 2000 specifically to determine the issue of when, at the earliest, Dr Tulloch should have been given notice and what effect that has on what Dr Tulloch should have been paid by Resource Development Consultants Limited.

[3] Resource Development Consultants Limited must pay Susan Tulloch her ordinary wages until 29 February 2012 as if she had remained employed and engaged in seeking water management work up until then. The two weeks' notice that she was given should have been given after 29 February 2012 and paid for in addition to the wages she was paid to 29 February 2012.

Christine Hickey
Member of the Employment Relations Authority