

In the matter of the Industrial Relations Act

PATRICK MAYCOCK

Applicant

v.

LARRY CHRISTOPHER DARVILLE

Respondent

Applicant unrepresented.

Representative For the Respondent - Mr. Errol Mckinney

AMENDED CONSENT ORDER

UPON HEARING the parties in this matter on the 23rd day of November, A.D., 1998; and

THE RESPONDENT HAVING CONSENTED to abide by the determination and Order of this Tribunal herein; and

UPON CONSIDERING further representations of the Respondent by letter dated the 6th day of December, A.D., 1998;

IT IS HEREBY ORDERED that the Consent Order of this Tribunal dated the 27th day of November, A.D., 1998, be set aside and that the Order herewith be substituted therefor that the Respondent pay to the Applicant the following:

1. Overtime due with respect to 56 {five day} weeks plus 4 days {284 days} @ 1 1/2 hours overtime in respect of each day payable at 1 1/2 times the Applicant's hourly wage of \$4.20 {\$6.30} calculated on the basis of his salary of \$250.00 per week ["week" within the meaning of section 2(1) of the Fair Labour Standards Act].....\$2,683.00

2. Payment for nine {9} holidays {unworked} calculated on the basis of \$35.72 per diem and in respect of which the Applicant received no remuneration.....\$321.48

3. Three {3} holidays during which the Applicant worked and received only his regular pay and was entitled to twice his regular rate of wages pursuant to section 7(a) of the Fair Labour Standards Act:

(i) 3 holidays at double wages @ \$8.40/hr..\$252.00  
(ii) LESS amount paid by Respondent @ \$5.00/hour for 10 hours for 3 holidays.....\$150.00  
Balance due Applicant.....\$102.00

4. One {1} week's pay pursuant to section 20{1} of the Fair Labour Standards Act.....\$250.00

5. Four per centum {4%} of the Applicant's wages earned during the incompleated year for the period June 1, 1997 to July 15, 1997.....\$61.43

TOTAL AWARD.....\$3,417.91



HARRISON L. LOCKHART  
VICE PRESIDENT

DATED THIS 11TH DAY OF DECEMBER, A.D., 1998