EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the *Employment Standards Act* R.S.B.C. 1996, C.113

- by -

Paula Mueller, a Director or Officer of Competition Towing Ltd.

- of a Determination issued by -

The Director of Employment Standards (the "Director")

ADJUDICATOR:	John M. Orr
FILE No:	1999/731 & 732
DATE OF HEARING:	March 27, 2000
DATE OF DECISION:	April 6, 2000

BC EST #D143/00

DECISION

APPEARANCES:

Wayne Young

William Smith

on his own behalf

on his own behalf

OVERVIEW

This is an appeal by Paula Mueller ("Mueller") pursuant to Section 112 of the Employment Standards Act (the "*Act*") from two Determinations (both bearing No. 095050) dated November 19 and November 22, 1999 by the Director of Employment Standards (the "Director") against her as a Director or Officer of Competition Towing Ltd.

Mueller was a Director of Competition Towing Ltd during the time that the complainants, Wayne Young ("Young") and William Smith ("Smith") were employed by the Company. The Director found that vacation pay had not been paid properly to these two employees and found that Mueller was personally liable for these payments under Section 96 of the *Act*.

Mueller appealed on several grounds including that Young had been paid his vacation pay on each pay day as the holiday pay was included as part of the commission structure. She also appealed the calculation of Smith's vacation pay because it had been calculated at 6% instead of 4%.

HEARING AND DISPOSITION

The appellant, Ms Mueller, did not appear at the Hearing at 9:00am as scheduled. It was confirmed that notice had been properly given. Ms Mueller's contact telephone number at her place of work was telephoned but the Tribunal staff member was advised that Ms Mueller had not attended work. The Hearing was delayed until 9:30am but Ms Mueller still did not attend. Both of the Respondents were present so the appeals were dismissed.

ORDER

Pursuant to Section 115 of the Act I order that both of the Determinations are confirmed.

John M. Orr Adjudicator Employment Standards Tribunal