

An appeal

- by -

AIA Software Consulting Ltd. operating as Solar Plus
("Solar Plus")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

pursuant to Section 112 of the
Employment Standards Act R.S.B.C. 1996, C.113

ADJUDICATOR: Norma Edelman

FILE No.: 2002/393

DATE OF DECISION: August 20, 2002

DECISION

This matter arises out of a referral back to the Director of Employment Standards (the “Director”) in Tribunal Decision BCEST #D291/02 to establish the amount of overtime wages owed to David Wilson (“Wilson”) by AIA Software Consulting Ltd. operating as Solar Plus (“Solar Plus”).

In Tribunal Decision BCEST #D291/02, the Adjudicator confirmed that Wilson was owed vacation pay and compensation for length of service. He also found that Wilson was owed overtime wages and he referred that matter back to the Director to determine the amount.

On July 8, 2002, the Tribunal received a report from the Director in which she concluded Wilson was owed a total of \$2,883.63, representing vacation pay, compensation for length of service, overtime and interest accumulated to July 8, 2002. Her calculation for the overtime award amounted to \$834.75

The Tribunal forwarded the Director’s report to Solar Plus and Wilson on July 19, 2002. Neither party replied.

This matter has been decided based on the written submission received from the Director.

The burden is on the parties to persuade me that the Director erred in her calculations respecting the amount of overtime owed to Wilson. I am not satisfied that either has met that burden.

Neither of the parties has challenged the Director’s calculations. I have reviewed the Director’s calculations and can find no basis to conclude that the Director’s conclusion regarding the amount of overtime wages owed to Wilson by Solar Plus is wrong.

ORDER

Pursuant to Section 115 of the *Employment Standards Act* (the “Act”) and further to Tribunal Decision BCEST #D291/02, I order that the Determination be varied to show Solar Plus owes Wilson \$2,883.63, plus any other interest accumulated pursuant to Section 88 of the *Act* since July 8, 2002.

Norma Edelman
Vice-Chair
Employment Standards Tribunal