

**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 -

T.D.B. Forestry Services Ltd.  
("T.D.B.")

and

Les Szerencsi  
("Szerencsi")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** Hans Suhr

**FILE NOS.:** 1999/540 & 1999/541

**DATE OF HEARING:** November 8, 1999

**DATE OF DECISION:** November 17, 1999

**DECISION**

**APPEARANCES**

H. Bruce Kaun	counsel for T.D.B.
Mark Lindstrom	on behalf of T.D.B.
Steve Nycholat	on behalf of T.D.B.
Rob Kragt	on behalf of T.D.B.
Brad Eddy	on behalf of T.D.B.
Al Jacobs	on behalf of T.D.B.
Les Szerencsi	on his own behalf
Stephen Szerencsi	on behalf of Les Szerencsi
Doug Clemson	on behalf of Les Szerencsi

**OVERVIEW**

These are appeals by T.D.B. Forestry Services Ltd. (“T.D.B.”) and Les Szerencsi (“Szerencsi”) under Section 112 of the *Employment Standards Act* (the “Act”), against a Determination dated August 30, 1999 issued by a delegate of the Director of Employment Standards (the “Director”). T.D.B. alleges that the delegate of the Director erred in the Determination by concluding that Les Szerencsi (“Szerencsi”) was not a manager and was owed additional wages in the total amount of **\$14,762.77**. Szerencsi alleges that the delegate of the Director erred in the calculation of wages owed.

**ISSUES**

The issues to be decided in this appeal are:

1. Was Szerencsi a manager as defined in the *Employment Standards Regulation* ?
2. If Szerencsi was not a manager, are the calculation of wages owed correct ?

During the course of the hearing, the parties agreed to a settlement to resolve all of the outstanding issues. The terms of the settlement reached are reproduced below.

*Settlement*

*The parties have agreed to settle all outstanding issues in dispute on the following basis:*

- 1. Les Szerencsi agrees to withdraw his complaint to the Employment Standards Branch.*
- 2. T.D.B. agrees to direct certain monies to an RRSP fund as instructed by Szerencsi.*
- 3. This settlement does not in any way constitute an admission of liability on behalf of either party.*
- 4. Szerencsi agrees to sign a release as prepared by T.D.B.*

**Hans Suhr**  
**Adjudicator**  
**Employment Standards Tribunal**