

**DECISION OF ADJUDICATOR
IN THE MATTER OF AN ADJUDICATION
PURSUANT TO SECTION 2-75 AND 4-6 OF
THE SASKATCHEWAN EMPLOYMENT ACT**



APPELLANT: **VILLAGE OF HYAS**

RESPONDENTS: **JAMIE FALK and the DIRECTOR OF
EMPLOYMENT STANDARDS**

DATE OF HEARING: **July 16, 2021**

PLACE OF HEARING: **Main Floor Boardroom
Kuziak Building
72 Smith Street East
Yorkton, Saskatchewan**

LRB File No. 044-21, Wage Assessment No. 1-000481

I. INTRODUCTION

Wage Assessment No. 1-000481 directed the Village of Hyas to pay \$581.68 to Jamie Falk or appeal pursuant to section 2-75 of *The Saskatchewan Employment Act* (the Act). The Village of Hyas appealed the Wage Assessment.

On July 16, 2021, the following individuals attended the hearing:

- Shannon Amon Makuk, Mayor of the Village of Hyas;
- Linda Brewer, Administrator for the Village of Hyas;
- Jamie Falk, former employee and Administrator for the Village of Hyas;
- Doug Long, Employment Standards Officer; and
- Christine Rusnak, Employment Standards Officer (observer).

II. THE DISPUTE

On March 4, 2021, a Delegate on behalf of the Director of Employment Standards (the Director) issued Wage Assessment 1-000481 against the Village of Hvas representing unpaid wages for Jamie Falk. By way of a letter dated March 15, 2021 (the Notice of Appeal), the Village of Hvas appealed the Wage Assessment. The Notice of Appeal, along with a cheque in the amount of \$500 made payable to the Minister of Finance, dated March 17, 2021, was served on the Director of Employment Standards on or about March 19, 2021.

The Notice of Appeal sets out the grounds for appeal and includes the Appellant's reasons for disagreeing with the number of hours Jamie Falk claimed to have worked in December of 2020.

III. PRELIMINARY MATTERS/OBJECTIONS

There were no objections to proceeding with the hearing. However, prior to commencing with testimony and the tendering of documents, the parties advised that they had reached a settlement agreement.

IV. DECISION

Because the parties settled all outstanding issues just before the hearing began, I indicated that I would reflect the terms of the settlement agreement in my written decision.

The Village of Hvas agrees to pay 12 of the unpaid hours claimed by Jamie Falk for the month of December, 2020. The Village of Hvas agrees to pay Jamie Falk for 12 hours of work at a rate of \$25.00 per hour, plus annual vacation pay, in full and final satisfaction of the Wage Assessment issued against it. Jamie Falk agrees to this settlement, as does Doug Long on behalf of the Director of Employment Standards.

Vacation pay is calculated at a rate of three fifty-seconds in accordance with section 2-27 of the Act. The calculation is as follows:

\$25 per hour x 12 hours = \$300.00
Vacation pay at rate of 3/52's = \$17.31.

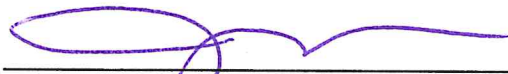
Total = \$317.31.

VI. CONCLUSION

The appeal is allowed, in part, and the Wage Assessment is varied from \$581.68 to \$317.31. The Appellant must pay the amount of \$317.31 to Jamie Falk.

As the Appellant has provided a deposit in the amount of \$500 to the Minister of Finance, it is my understanding that the amount owing to Jamie Falk will be paid from the Appellant's deposit and the balance of the deposit will be returned to the Village of Hyas.

DATED in Regina, Saskatchewan, this 21st day of July, 2021.



Jodi C. Vaughan
Adjudicator

The Parties are hereby notified of their right to appeal this decision pursuant to Sections 4-8, 4-9 and 4-10 of *The Saskatchewan Employment Act* (the "Act").

The information below has been modified and is applicable only to Part II and Part IV of the Act. To view the entire sections of the legislation, the Act can be accessed at www.saskatchewan.ca.

Right to appeal adjudicator's decision to board

- 4-8(1)** An employer, employee or corporate director who is directly affected by a decision of an adjudicator on an appeal or hearing pursuant to Part II may appeal the decision to the board on a question of law.
- (3) A person who intends to appeal pursuant to this section shall:
- (a) file a notice of appeal with the board within 15 business days after the date of service of the decision of the adjudicator; and
 - (b) serve the notice of appeal on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.
- (4) The record of an appeal is to consist of the following:
- (a) in the case of an appeal pursuant to Part II, the wage assessment or the notice of hearing;
 - (c) the notice of appeal filed with the director of employment standards pursuant to Part II;
 - (d) any exhibits filed before the adjudicator;
 - (e) the written decision of the adjudicator;
 - (f) the notice of appeal to the board;
 - (g) any other material that the board may require to properly consider the appeal.
- (5) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order being appealed unless the board orders otherwise.
- (6) The board may:
- (a) affirm, amend or cancel the decision or order of the adjudicator; or
 - (b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board

Appeal to Court of Appeal

- 4-9**(1) With leave of a judge of the Court of Appeal, an appeal may be made to the Court of Appeal from a decision of the board pursuant to section 4-8 on a question of law.
- (2) A person, including the director of employment standards, intending to make an appeal to the Court of Appeal shall apply for leave to appeal within 15 business days after the date of service of the decision of the board.
- (3) Unless a judge of the Court of Appeal orders otherwise, an appeal to the Court of Appeal does not stay the effect of the decision being appealed.

Right of director to appeal

4-10 The director of employment standards has the right:

- (a) to appear and make representations on:
 - (i) any appeal or hearing heard by an adjudicator; and
 - (ii) any appeal of an adjudicator's decision before the board or the Court of Appeal; and
- (b) to appeal any decision of an adjudicator or the board.