

Appendix A - Frequently Asked Questions

1. When will my entitlements be paid to me?

The receivers are currently working through a process to collect monies due to the company from customers. The Receivers will write to you again by 23 February to provide you with an estimate of the quantum of any distribution and timing of any distribution.

2. How are my hours calculated for unpaid wages for the week ended 17 and 24 December 2023?

Your hours include all "confirmed hours" received via an approved timesheet from your worksite (signed or approved by the site supervisor/site manager or other representative). All "confirmed hours" for the week ending 17 December 2023 have been included plus any "confirmed hours" for week ending 24 December 2023 leading up to the point that the Company was placed into receivership (9am on 20 December 2023).

In summary, one full week plus two days.

3. I have missing hours that I worked for the week ending 17th or 24th December 2023, what should I do?

Please make sure your hours have been APPROVED by someone in the site you were working at. Without a signed or approved timesheet, we cannot process the timesheet. The company has contacted clients to chase up any outstanding timesheets, where no hours have been included. The company has not received confirmation from the clients to confirm your hours worked. This has always been a condition of work with ELE.

4. I am on a minimum 30-hour contract, why have I not been provided with an entitlement for 30 hours for the week ended 24th December?

Guaranteed 30 hours is for a full week or the equivalent of 6 hours per day over 5 days. As the week ended 24 December 2024 covers only two worked days (18 and 19 December 2024), your guaranteed hours are a maximum of 12 hours for this week.

5. I have sick leave and there is a place on the form, but why isn't my sick leave included as an entitlement?

There is no legal entitlement for unused sick leave to be paid out in final pay.

6. Can I change my time to Sick Leave?

No, you cannot change your hours to any kind of leave after the event. Your leave requests that were submitted up to the 20 December 2023 form the basis of your entitlement.

7. Can I apply for leave?

No, you can not apply for any kind of leave now. Your leave requests that were submitted up to the 20 December 2023 form the basis of your entitlement.

8. Why do some sections of the summary contain no numbers?

If you see a section blank, it means either you are not entitled to this item, or we have not received approved details for this item.

9. What are Allowances and am I entitled to any?

If your job had agreed allowances, for example overnight shifts or meal allowance, or if the company has your site supervisor's approval on petrol/parking allowances, it will form part of your entitlement calculation. In the absence of any signed paper or official approval from the site manager you were working for, the company cannot include these within your entitlement calculation.

10. I was expecting an allowance to be paid for the week ended 24th December, why has this not been included?

If your claim is related to Monday the 18th and/or Tuesday the 19th, please send your approved receipt or claim details to payroll@ele.nz and this will be processed. Note this must be approved by the site representative that would ordinarily approve your timesheets.

11. I had booked leave for the Christmas/New Year period, how is this shown in the annual leave final pay entitlements?

Leave entitlements are calculated as of 20 December 2024. No deduction has been made for leave you applied for after this time.

12. How is my Annual Leave (Entitled) - final entitlement figure calculated?

If you have worked for ELE for more than 12 months, you have a figure (weeks) as your "Annual Leave Entitled" which is all the Annual Leave you have accumulated prior to your latest anniversary date, less any annual leave taken up to the 20 December 2023. If you have worked less than 12 months any annual leave entitlement will be shown under the "Holiday Pay" section.

13. How is my Holiday pay - final pay figure calculated?

Your Holiday pay is the 8% of your Gross Earning since the last anniversary (if you are in your first year of employment and you already took some leave, the annual leave taken is deducted from this balance) + 8% of the rest of the earnings you may have in your final entitlement calculation including your worked hours, pay for public holidays, annual leave (entitled) and any alternative pay.

14. What is the Alternate leave for and how has this been calculated?

If you have worked on a public holiday in the past, you were paid for it, but also you are entitled to have paid leave for another day of work. This is called alternative leave and if you haven't used yours, this will be included in your calculation of your entitlements. Working public holidays occurred infrequently for ELE employees.

15. What is the Public Holiday - Final Entitlement for and how has this been calculated?

If you were working at ELE for more than 12 months and you have an "Annual Leave Entitlement", the company is required to treat your entitled annual leave as if you had taken this immediately after 20 December 2023. If any public holidays fall within this period, you will have an entitlement for these public holidays in your final pay.

16. Why do I not receive any redundancy entitlement in my termination entitlement calculation?

The terms of your employment agreement with the company does not provide for any form of redundancy payment. This is the standard ELE contract, except as summarised below for Overseas Workers.

17. What is the return air fare amount for and how has this been calculated?

If you are an overseas migrant worker, your contract entitles you to redundancy compensation in the form of a one-way economy class ticket to your home country (Manila) based on the cheapest airfare available. As we are unaware of your future plans, we have considered it more practical to calculate the cash equivalent of this fare within your entitlements. Ticket prices on different websites were compared and the cheapest airfare to Manila was quoted at this rate.

18. Why has an amount been deducted from my claim?

If you have any ongoing deduction (like tool recovery/loan, rent or historical rents unpaid or cash advance to pay back) the company proposes to deduct the remaining balance from your final entitlement.

19. My entitlements are greater than \$25,480 why is only \$25,480 included in my preferential claim?

Only employee entitlements up to a value of \$25,480 are treated as preferential, any balance over this amount is treated as an unsecured claim.

20. What does unsecured claim mean and what will happen to it when it comes to payment?

This part of your entitlement does not receive preferential status, meaning it will not form part of the distribution that may be made by the Receivers.

21. What is the preferential claim excess shown in my unsecured claim calculation?

Any amounts over and above \$25,480 are classified as unsecured claims by law.

22. What is the entitlement in lieu of notice, how has it been calculated and why is it not included as a preferential claim?

ELE standard employment agreements do not provide for specific redundancy compensation. However, some employment agreements included notice period. If you have a notice period in your employment agreement, this notice period has been included as an entitlement in lieu of working the notice period as due to the receivership your employment was terminated on 20 December 2023, and you did not have the opportunity to work out this notice period. Entitlements in lieu of notice do not have preferential status as such this amount has been included in your unsecured claim component.

23. Why is my entitlement split into Preferential and Unsecured claims?

At law the preferential part of your entitlement includes wages for time worked, remaining holiday pay, any redundancy entitlements (depending on your individual agreement) and carries a maximum entitlement of \$25,480. Anything above this, including notice period, is an unsecured claim.

24. Is tax deducted from distributions made to me?

Yes, tax, child support, fines and Kiwisaver deductions (all normal deductions) will be deducted from any distributions made to you. Your entitlement claim is for the total (pre-taxes and deductions as above) amount.

25. What are the next steps?

Could you please check this calculation is correct and if it is, sign and return it to nzelegroup@deloitte.co.nz by 9 February 2024. If the schedule is not correct, please email any issues to us. Once you are satisfied that the schedule is correct, sign and return it to us. The Receivers will write to you again by 23 February to provide you with an estimate and timing of any payment.