



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT BUNGOMA

CAUSE NO. 29 OF 2017

[Formerly Kisumu E&LRC NO. 244'A' of 2017]

JESSICA MUTENYO LUBWA.....CLAIMANT

VERSUS

DAVID SIMIYU MUCHELE T/A SATELITE HOTEL WEBUYE.....RESPONDENT

RULING

1. Judgment was delivered on 30th May 2019 in which the court directed the claimant to compute the award of the unpaid overtime for three years. The respondent was to be served and make any responses in respect thereof.
2. The claimant filed the computation on 26th June 2019 in the sum of Kshs. 332,880.
3. The respondent filed a counter computation on 17th September 2019 in the sum of Kshs. 144,540.
4. The respondent challenged the multiplier of Kshs. 152 per extra hour worked by the claimant and instead proposed a multiplier of Kshs. 66 per extra hour worked by the claimant.
5. This explains the difference in the two computations filed.
6. In the finding of the court delivered on 30th May 2017, the court had already made a determination on the hourly rate of overtime to be Kshs. 152 per hour. The decision was not appealed nor an application for review made on that determination. The respondent's computation based on a lesser figure of Kshs. 66 per hour is therefore misconceived.
7. The court adopts the computation by the claimant in the sum of Kshs. 332,880 in respect of unpaid overtime to the claimant for three years. It is so ordered.

Ruling Dated, Signed and delivered this 29th day of January , 2020

Mathews N. Nduma

Judge

BUNGOMA

Appearances

Mr. Maloba for Claimant.

Mr. Milino for Respondent.

Chrispo – Court clerk.