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### **Fast food employees file lawsuit**

*Nancy Isles Nation*

Three employees of Jack in the Box in San Rafael and San Anselmo are suing the owners of the restaurants, alleging that they violated state labor laws by forcing them to work through breaks, work unpaid overtime, and failing to provide medical assistance to injured workers. The civil lawsuit also alleges that one female employee was physically assaulted by one of the restaurant owners.

"We are seeing more and more of this," said Susan Varian, an attorney with Legal Aid of Marin. "With the growing Hispanic community, more of these outlets are doing things they wouldn't get away with if it were my 16-year-old Caucasian son."

The lawsuit was filed in Marin Superior Court against AMK Enterprises and Ahsan and Elixmaena Khan on behalf of the three employees and others who feel their rights have been violated.

The suit alleges that the restaurants failed to pay regular and overtime wages, engaged in "hour shaving," or doctoring time records to reduce time worked, required employees to work through meal and rest breaks, failed to provide a safe work environment, and failed to report work injuries and medical assistance to injured workers.

The Khans could not be reached for comment.

Their restaurants are located at 830 Sir Francis Drake Blvd. in San Anselmo and 1814 Second St. in San Rafael.

"We expect and are really hoping that more will come forward," Varian said. "They are afraid if they say anything, they will be deported or lose their jobs."

Varian said employees have gotten burns from working with hot grease and fractures from lifting heavy objects, but were not given medical care and the injuries were not reported to state labor authorities.

The employees are seeking restitution of unpaid wages, penalty damages and an injunction requiring Jack in the Box to comply with labor codes and to stop unfair business practices.

Legal Aid filed the lawsuit in conjunction with the law firm of Talamantes, Villegas & Carrera.

The firm has been successful in winning lawsuits against several businesses and dairies for similar practices in Marin.

"Latino and immigrant workers must not be treated unfairly, demeaned by their employers, and paid substandard wages," said Tiburon-based attorney Karen Carrera.

"These employers are taking advantage of the workers' lack of understanding of the laws or of their rights in order to pay them less and make a larger profit for themselves."

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