



FOR IMMEDIATE RELEASE
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**FORMER EMPLOYEE SUES AMERICAN POLLO LLC d/b/a POLLO
CAMPERO FOR FIRING HER IN VIOLATION OF THE FEDERAL
FAMILY AND MEDICAL LEAVE ACT**

Washington, DC – On July 6, 2012, a former employee of an American Pollo LLC d/b/a Pollo Campero Restaurant in Columbia Heights, Washington D.C. filed a lawsuit against the company in the U.S. District Court for the District of Columbia, alleging willful violations of the federal Family and Medical Leave Act (FMLA). The complaint, filed by Edith del Carmen Sanchez, a Spanish-speaking immigrant from El Salvador who worked for the company for approximately 17 months, alleges that Pollo Campero violated the FMLA when it fired her following emergency surgery, instead of reinstating her to her job. The FMLA requires covered employers, such as Pollo Campero, to provide eligible employees like Mrs. Sanchez with job-protected unpaid leave for family and medical reasons, including an employee's own serious health condition, the birth or adoption of a child, or the care of an immediate family member.

“The FMLA is meant to allow people like Mrs. Sanchez who are facing serious health problems to receive treatment and recuperate without worrying about losing their jobs. By filing this lawsuit, we are seeking justice for Mrs. Sanchez, and hope to ensure that employers recognize that an employee's rights have to be protected,” said [Emily B. Read](#), Director of the Equal Employment Opportunity Project at the [Washington Lawyers' Committee for Civil Rights and Urban Affairs](#), which represents Mrs. Sanchez along with [Caroline E. Reynolds](#) and [Steven N. Herman](#) of the law firm [Zuckerman Spaeder LLP](#).

The lawsuit also alleges that Pollo Campero failed to provide Mrs. Sanchez with required notice of her FMLA rights, and that the company has a policy that interferes with its employees' FMLA rights by requiring employees with fewer than 12 months of employment to resign before taking leave, only to resume their employment upon their return. Mrs. Sanchez's complaint alleges that the company then uses that purported new employee status to represent to the employee that he or she does not have FMLA rights.

Mrs. Sanchez claims that she was a victim of this unlawful policy. When she required medical leave for emergency surgery after having worked for Pollo Campero for 11 months, the company allegedly required her to sign resignation documents. That supposed resignation served as the basis for firing her eight months later when she underwent a second surgery and attempted to use FMLA leave. The complaint alleges that the company misleadingly informed her that she did not meet a threshold requirement for FMLA leave because she had not been employed for 12 months, even though FMLA regulations make clear that such rights arise when an employee has been employed for 12 months by the same employer whether or not such employment has been continuous.

Any employee who believes his or her FMLA rights were violated by Pollo Campero or any other company in the Washington, DC area should contact Emily B. Read or Laura E. Varela at the phone numbers listed above.

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The Washington Lawyers' Committee for Civil Rights and Urban Affairs was established in 1968 to provide pro bono legal services to address issues of discrimination and entrenched poverty. Since its founding, the Committee has handled more than 5,000 cases on behalf of individuals and advocacy organizations in the areas of equal employment opportunity, immigrants' rights, fair housing, public accommodations, public education, prisoners' rights, and disability rights. For more information about the Committee, please go to www.washlaw.org.

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