

### **Exercise A**

Blake, the sole proprietor of Acme Co., has decided to expand and compete for state contracts. Blake hires Jack, an independent contractor, to install a computer network. Jill responds to Blake's Craigslist ad for an office manager.

Blake threatens to sue Jack for breach of contract unless Jack agrees to engage in sexual activity.

Blake also tells Jill the job is hers if she agrees to have sex.

### **Exercise A - Practice Test**

Choose the best answer:

- A. Jack can't sue Blake because he is an independent contractor.
- B. Jill can't sue Blake because Acme Co. has fewer than five employees.
- C. Jack can't sue Blake because he is a man.
- D. Jack and Jill can sue Blake for quid pro quo sexual harassment.
- E. Jack can sue Blake for quid pro quo sexual harassment but Jill cannot.

### **Exercise A – Answer**

- D. Jack and Jill can sue Blake for quid pro quo sexual harassment.

## **Exercise B**

Sara is the Deputy Director of a state agency. She approaches Nancy, an office technician, and says, "Hi Nancy. I've seen you at the gym. You seem to have a great time in Zumba! And so sexy! Nancy, I'd love to take you to Tahoe this weekend. Just the two of us." Nancy is stunned and intimidated by the attention. She says, "Well Sara, I'm flattered, but I'm not interested." Sara smiles wanly and says, "Well, I had to ask. You are just so sexy. But I get it. I'll leave you alone." Sara does not proposition or engage in any unwelcome conduct toward Nancy again. Three months later Nancy is late to work for three days and her supervisor threatens to deny her MSA if she is late again.

### **Exercise B – Test Question**

Choose the best answer:

- A. Nancy can establish a claim for quid pro quo sexual harassment because Sara should never have asked a subordinate on a date.
- B. Nancy cannot establish a claim for quid pro quo sexual harassment because there is no evidence that she is a lesbian.
- C. Nancy's claim for quid pro quo sexual harassment is weak because there is no evidence that Sara was offering job benefits if Nancy said yes, or threatening punishment if Nancy said no.

***Submit your answer below.***