

2525. Harassment—“Supervisor” Defined (Gov. Code, § 12926(t))

Instruction

No 1

Request by Plaintiff		Request by Defendant		Requested by	
Given as Proposed		Given as Modified		Given on Court's Motion	
Refused					
Withdrawn					Judge

Instruction

No 1

[Name of alleged harasser] was a supervisor of [name of defendant] if [he/she/nonbinary pronoun] had any of the following:

- a. The authority to hire, transfer, promote, assign, reward, discipline, [or] discharge [or] [insert other employment action] [name of plaintiff] [or effectively to recommend any of these actions];
- b. The responsibility to act on [name of plaintiff]'s grievances [or effectively to recommend action on grievances;] or
- c. The responsibility to direct [name of plaintiff]'s daily work activities.

[Name of alleged harasser]'s exercise of this authority or responsibility must not be merely routine or clerical, but must require the use of independent judgment.

New September 2003; Revised June 2006, December 2015