

# “that’s what she said”

a ford & harrison blog about the popular television series “the office”

## I Do. You Sue

January 14, 2011 - by: Brian Kurtz

This week was another repeat of “Niagara,” the hour-long Pam and Jim wedding episode. Doug Hall and Matt Scott did a nice job with this episode [here](#) and [here](#) offering different takes on employee behavior outside the office. But seriously, does an employer really have to be concerned about what happens at an employee’s wedding?

Yup.

The supervisor-employee relationship doesn’t cease to exist just because the office is closed or the shift ends. An employer can be liable for the harassment of a subordinate at any number of extra-office activities — a ballgame, a seminar, even a wedding.

Consider:

- In *Aldridge v. State of Kansas* (D.Kan. 1997), plaintiff sued the state for sexual harassment. Her allegations centered on the inappropriate behavior of her office manager who told plaintiff at his own wedding reception that he was glad plaintiff had the same first name as his wife so he could think of her when he was having sex with his wife. The court denied the state’s motion for summary judgment.
- In *Struif v. MK-I LLC* (N.D.Ill 2004), plaintiff sued her employer for sexual harassment. One of her allegations was that her manager bragged at plaintiff’s wedding reception about his sexual exploits with his wife. The court denied the employer’s summary judgment motion.

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- In Bruno v. Monroe County (S.D.Fla. 2008), plaintiff sued the county for sexual harassment. Her case relied heavily on the alleged boorish conduct of the county's chief officer, including his boast that he presided at a wedding and had sex with the bride after the groom drank too much at the reception. The court denied the county's motion for summary judgment.

You cannot make this stuff up.

No employer can be expected to constantly police the behavior of supervisors and employees outside the office. That is why an effective anti-harassment policy and regular training are essential. These simple measures provide the employer with an affirmative defense to harassment, regardless of how repugnant the supervisor's conduct is.

**Bottom line:** An employer that doesn't have an anti-harassment policy or provide EEO training will worry less about its employees exchanging vows than seeing them testify under oath.

That's what I say. What do you say?