

“that’s what she said”

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

Playing Favorites

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Litigation Value: Get out your checkbook, Dunder Mifflin Sabre. Although your chauvinistic branch manager’s episode-ending dunk may have cut short his tenure in Scranton, his presumptive (acting) successor showed little in the way of enlightened damage control last night. Jo Bennett, where are you?

No matter how the Supreme Court rules in a closely watched [real-world case](#) involving allegations of widespread sex discrimination, the distaff members of Dunder Mifflin’s Scranton office seem to have a lucrative class action in the making. Women who head departments are routinely excluded not only from important decisions, but also from pick-up games of mini-basketball featuring moves that evoke “Magic [sic] Jordan.” And, at the same time, both new and not-so-new female hires are referred to with indelicate terms beginning with the letters “w” and “b.” Only a week after [Michael Scott’s departure](#) to the [Centennial State](#) and its [delicacies](#), Deangelo Vickers seems intent on recasting the office (and The Office) in his own “just the guys” image.

Speaking of Deangelo, what’s with his name? Although he’s unabashedly fond of the Southwest (where certain states smell like earth), his moniker reminds this blogger of the Northeast. Anyone who’s from New England is familiar with a [sandwich shop chain](#) with a very similar name. Come to think of it, during a [set visit](#) last fall, a [writer and co-executive producer](#) of the show shared with me that he’s originally from a [city just west of](#)

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Boston, which is surrounded by some of the aforementioned sandwich shop locations. Add to that the fact that the actor who played Mr. Vickers' predecessor has roots in another eastern Massachusetts town, and we may be on to something. But I digress.

To some, favoritism is simply the flipside of the discrimination coin. But in the employment law arena, that dichotomy is a bit more nuanced. Believe it or not, it is legal — if not advisable — to show preferences to one's "inner circle," so long as the reasons for those preferences aren't based on a statutorily protected characteristic. In other words, cronyism is OK if it's not based on the gender, race, etc. of those who do (or do not) benefit from it.

That said, Deangelo (we hardly knew you!) would be hard-pressed to assert — much less prove — that his fluctuating inner circle was all-male for any legitimate reason. No amount of motivational juggling — whether real or imagined — can convince us otherwise.