

# “that’s what she said”

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

## It’s All Greek to Me

January 28, 2011 - by: [Matt Rita](#)

**Litigation Value: No immediate employment law liability. Under the applicable statute of limitations in Pennsylvania, however, Andy’s seminar invitees would have up to two years in which to claim personal (digestive) injury caused by Kevin’s “off the rails” motivational display.**

The Scranton Business Park was a busy place last night, with a number of visitors spending time in and around the halls of Dunder Mifflin/Sabre. The brief appearance of one of those visitors, [Ricky Gervais](#), will no doubt fuel speculation about whether he is the heir apparent to [Steve Carrell](#). Coupled with the anticipated arrival of [Will Ferrell](#) — with or without more cowbell — that opening [cameo](#) should keep The Office prognosticators buzzing during the weeks ahead. For now, Michael Scott and the show’s other regular characters continue to offer up workplace antics worthy of commentary.

Coincidentally, “The Seminar” was (and is) the episode referred to in [my last post](#), which described my set visit last October. Although some of the scenes I saw filmed — e.g., the post-breakup (re)naming of Holly’s goldfish, and a longer beverage order for Hank out in Dwight’s Caffeine Corner — ended up on the virtual cutting-room floor, the main storyline was familiar. In an effort to prop up his flagging sales, Andy (a/k/a “Nard Dog”) hosted a

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seminar for small business owners in the main conference room. What happened next invites discussion of both employee relations and employment law.

**Teamwork.** The success of any organization depends on the ability of its members to work together toward a common goal. As Andy learned, some team players walk the walk, while others only talk the talk.

When push came to shove, he was able to count on Creed (and his anatomical breakdown of “[Nessie](#)”), Kelly (and her [Ivy League](#) “connections”), and Kevin (and his [Ozzy](#)-inspired “charm”). Less reliable at seminar time were Dwight, Phyllis, and Stanley (all “jackals,” according to Darryl), Ryan (the commitment-phobe), and Jim (the “paper salesman genius” who spent most of the day hiding out from a former childhood friend). Meanwhile, Gabe’s [Scrabble](#) victory over the cadre of Erin, Oscar, and Pam showed that teamwork doesn’t always guarantee results. However, it’s a better approach than Dwight’s cynical view that he and his coworkers are “no more a team than the people staying in the same hotel are a team.”

But what about Michael? Didn’t he (and Holly) go to bat for Andy during the seminar? Yes, but the employee relations points he earned may have been offset by the potential legal risk created by his alter ego, “Mikonos.”

**Discrimination.** [Title VII of the Civil Rights Act of 1964](#) (like many analogous state statutes) prohibits employment discrimination on the basis of an employee’s [national origin](#). The federal agency charged with enforcing that law has taken the position in [litigation](#) that such discrimination can include mimicking an employee’s accent. If any of Dunder Mifflin’s employees were of Greek ancestry, they might find Mikonos’ dialect — which Holly initially mistook as Italian — to be offensive. As Michael told Ricky Gervais (whose Chinese character was similarly problematic), his meaning may have had “nothing to do with making fun of a different nationality.” In a legal setting, however, his words and actions

would be judged not by his subjective intent, but by the objective viewpoint of a “reasonable person.”

On a lighter note, and in closing, my fellow Ford & Harrison bloggers and I want to say thank you — or, in Mikonos’ tongue, “Ευχαριστώ!” — to all those who voted for That’s What She Said in the ABA Journal’s latest “[Blawg 100](#)” contest. We’re proud to report that our blog garnered the second-highest number of votes among the 100 nominees.

Unfortunately, the blog with the highest total happened to be in our same “For Fun” category. Despite our plea for Chicago-style voting among our supporters, we’ll probably accept the results and not resort to litigation. Besides, the Illinois courts are busy with [other electoral disputes](#) these days!

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