

“that’s what she said”

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

Fox and Found

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Litigation Value: Squiggle Quips = \$3.95 per package; delicious dinner without your wallet = an embarrassing (and defamatory) mugshot on the restaurant wall; finding out Angela publicly joked about urinating on Gabe = priceless.

Last night provided us with an evening of re-runs, but I love The Office and have been known to watch episodes repeatedly (much to my husband’s chagrin). My colleague did an excellent job discussing this episode in his previous post, but we can still have a little fun this week. The episode starts out with a bang when Kelly and Ryan announce they are getting divorced — wait, when did they get married?! — and it only gets better from there.

After Jim ditches Michael in a gas station bathroom due to a family emergency, Michael disappears on a “walkabout” and it is up to Dwight, Erin, and Holly to save the day. In the beginning, it is clear that Erin is less than impressed with Holly and cannot understand why Michael puts Holly on such a pedestal. After seeing that Holly is drawn to the same bizarre places as Michael, Erin comes to realize that the two really do belong together. Who else would use naughty aliases at a random cell phone sales

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booth or go to a restaurant just to find out if the egg rolls really are that big? Maybe the writers will give Michael and Holly a happy ending after all. Michael certainly deserves it after dealing with Jan's lunacy for multiple seasons.

As any human resources manager knows, office romances (even between two kindred spirits like Michael and Holly) can lead to a number of sticky situations. Even when the romance does not go sour (though it usually does), employers have been sued by employees alleging that their supervisor gave more favorable treatment to his/her office flame. Thankfully for employers, nearly all courts have held that this type of action is not viable under Title VII because it does not constitute discrimination on the basis of "sex" as defined by gender. Indeed, if a supervisor provides special employment benefits to his/her paramour, all other employees (male and female) are equally disadvantaged.

Even if the employer prevails on the gender discrimination claim, you may be wondering about potential retaliation claims. Can an employee successfully argue that he/she was discharged or otherwise retaliated against for complaining about such favoritism? The answer is no. To prevail on a Title VII retaliation claim, the employee must demonstrate that he/she had a reasonable and objective belief that the opposed practice was unlawful, not simply unfair. Because favoritism toward a paramour does not violate federal anti-discrimination law, courts have rejected such retaliation claims. Regardless of what the law says, a wise employer will take steps to stop such favoritism for the sake of office morale.

To put your minds at ease, Holly ultimately finds "The World's Best Boss" safe and sound on a rooftop searching the Scranton skyline for Dunder Mifflin. Now we are just left to wonder what Dwight plans to do with all that fox meat in his car. Until next time, tell us how you think Michael and Holly's story will end.