



“that’s what she said”

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

Tighten Your Saddles

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Litigation Value: Cathy showing Jim the “Talla-Nasty” = yet more fodder for Jim’s sexual harassment lawsuit; five dots = a murky texting area and potential lawsuit for Darryl; and watching Dwight work himself into a human bedbug trap = priceless.

This After Hours episode has the gang engaging in conduct that should make any human resources professional cringe. Tighten your saddles, because it is bound to be a bumpy ride. While the Scranton branch is working late, the Florida team is hitting the hotel bar scene for some debauchery. As we have mentioned in previous posts, the fact that the conduct occurs outside the workplace does not necessarily free an employer from liability, particularly when a supervisor instructs her employees that bar attendance is “compulsory.”

After Nellie instructs the Florida team to meet at the bar, Dwight and Packer engage in a showdown for the Vice President job and the opportunity to sleep with Nellie for personal gain. Unfortunately for the company, Nellie is eager to avoid spending the night alone and welcomes the attention. Dwight’s wooing efforts are interrupted when Jim calls him to investigate a bedbug situation in Jim’s room (a.k.a. Jim’s excuse to get an increasingly flirtatious Cathy out of his room). Dwight recruits Gabe — or “GSL” — to make sure that Nellie doesn’t spend the night with Packer. A few spritzes of Gabe’s inhaler into Packer’s drink is enough to send a very sick Packer to bed alone. In Dwight’s words, “A real man swallows his vomit when a lady is present.” Despite having a clear shot to make his move on Nellie, Dwight can’t go through with it and leaves her outside his room with a defective key. Instead, he spends the remainder of the night eating dessert with Jim, who is more than happy to be rid of the real bedbug, Cathy.

Meanwhile, after Val’s boyfriend accuses Darryl of sleeping with his girlfriend, the Scranton branch’s late-night work session turns into an in-depth review of Darryl’s midnight messages to Val. In this age of technology, text messages can be damning evidence for employers. While Darryl’s text messages to Val about the moon and a few ambiguous dots are not enough on their own to constitute unlawful sexual harassment, they are certainly inappropriate and likely to escalate. The fact that Andy knows about this conduct and even encourages Darryl to pursue his subordinate romantically is bad news for the company. It is not yet clear whether Val reciprocates Darryl’s feelings or if the “love beanie” was really just a beanie. Regardless, any company dealing with an office romance between a supervisor and an employee should keep in mind that such relationships are often consensual until they end and the company is left defending depositions.

Send us your thoughts on last night’s episode and who should get the Vice President job.

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