

“that’s what she said”

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

California Scheming

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Litigation Value: More fodder for potential sexual harassment, sexual orientation, and national origin claims, but it could have been worse. At least Andy didn’t run naked through the parking lot with a doughnut on his ding-dong — that would have put me off of Krispy Kreme for awhile.

Was really looking forward to being able to discuss a new episode of The Office following the summer reruns and ... NBC puts up a rerun of “The Incentive” against the World Series. Que sera. My colleague Josh Drexler gave his take on the episode (check it out at <http://blogs.hrhero.com/thatswhatsheaid/2011/09/30/southern-exposure/>), and now it’s my turn.

Dunder Mifflin/Sabre apparently does not have much in the way of sensitivity training for its managers. Now that Andy has taken the Regional Manager reins, he is continuing to make the same type of inappropriate comments that were the hallmark of Michael Scott’s tenure. Andy’s explanation for why he calls Oscar “C-Span,” his offer of a vibrator as a sales incentive, and his attempt to placate Kelly by trying to pass off a tablecloth as a sari — each of these sounds like something Michael would have said. And that doesn’t even take into account Andy’s ultimate incentive: to allow his office mates to select a design to tattoo on his rear end, and the accompanying trouser drop. Although no one seemed particularly offended by these comments (and, indeed, the entire office had a great time at the tattoo parlor), such statements can sound quite different down the road in litigation, divorced from the immediate context in which they were made.

Rather than dwell on Andy’s missteps, however, I’d like to focus on the circumstances that led him to the tattoo table: the mysterious machinations of Robert California. After all, it was Robert’s inexplicable direction that the branch double its already healthy growth from

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the past quarter that led to the incentive program in the first place. At the end of the episode, we hear Robert explain why he chose Andy as Regional Manager, and it certainly wasn't flattering to Andy ("all surface" and "uncomplicated") or the rest of the office ("unexceptional"). Coming on the heels of Robert's creation of a divisive list of who he felt were the "winners" and "losers" in the branch, one certainly can see potential problems with his management style in the long-term, once his mystical way with words starts to lose its sway over The Office dwellers. Nothing he has done so far is likely to give rise to litigation in and of itself, but if his contempt for those working for him becomes obvious, it will create a toxic situation. At least it won't be dull, that's for sure!