

“that’s what she said”

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

Stand by Me

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Litigation Value: Implementing an antinepotism policy = \$800; medical bills for Dwight’s tumble from his secret standing stool = \$1,000; applying your “buffalo wings passion” to all aspects of your life = priceless.

Last night’s episode contained some interesting revelations about our friends at Dunder Mifflin Sabre. Indeed, Creed may be part of a secret suicide cult, Phyllis is prone to “classic room-clearing farts,” Oscar likes to put puppies in ladles for photo purposes, and Creed spends part of his work day playing with a toy helicopter on the roof. In addition, we learned that there is someone who actually intimidates Robert — his wife, Susan.

The episode begins with a frantic Robert ordering Andy not to hire Susan, who is thinking of returning to work and looking for a good fit. The trouble is that Robert does not want Susan to know he is against the idea of her working for his company. Andy seems confident he can pull this assignment off until Robert’s antics repeatedly undermine Andy’s efforts to let Susan down gently. Andy is so confused by Robert’s behavior that he ultimately hires Susan, which leads an angry Robert to order Andy to undo the situation. Andy instructs the other employees to drive Susan out of the office, but Susan catches on to the plot and Robert’s starring role. It seems Susan has figured out the enigma that is Robert California, and she may be developing some inappropriate feelings for the more honest Nard Dog.

Robert may have avoided this fiasco if he had checked the company’s handbook for an antinepotism policy. Antinepotism policies prevent related individuals from working in the same company or department. There are a number of sound reasons for antinepotism policies including: (1) avoiding involvement in emotional problems at home; (2) avoiding supervisory conflicts between spouses and relatives; (3) avoiding hiring decisions based on favoritism or the appearance of favoritism; (4) avoiding scheduling problems; and

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(5) avoiding family influence regarding grievances and work conflicts. Although Title VII does not prohibit discrimination on the basis of marital status, some state laws do. These prohibitions can complicate the analysis of the enforceability of antinepotism policies. With private employers, courts generally will not find discrimination if the allegedly discriminatory action is based on the identity of the plaintiff's spouse and not on the plaintiff's gender or status as married.

For the sake of entertainment (and little Cece Halpert), let us hope that Dunder Mifflin Sabre does not implement an antinepotism policy. In the meantime, tell us your thoughts on this episode and whether you think a "date" is really in Susan and Andy's future.