

Ain't No Business Like Snow Business

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Litigation Value: Not much, yet; but, potentially millions if Dwight goes on a murderous rampage.

Is hurling snowballs really that big a deal?! Last week, it was the Cincinnati Bearcats mascot; this week, it's Dwight Schrute and Jim Halpert — one gets arrested, the other two undergo corrective counseling.

Having already addressed the tribulations of horseplay and frequently resulting <u>workers'</u> <u>compensation</u> claims, tonight we turn our attention to <u>workplace violence</u>. Dwight's ever-increasing maniacal behavior begs the question — is he a potential homicidal psychopath? Tonight's episode suggests maybe so, as Dwight brought snowball fighting to an entirely new level. And, it was Dwight's perpetual nemesis, Jim, who suffered Schrute's wrath.

Jim pelted Dwight with a single snowball to the face. Jim ended up with a blood-soaked shirt and a considerable "tick" caused by his increasing anxiety over Dwight's continued, escalating attacks. The episodes displayed Dwight in a particularly sinister light. As a fear-stricken Jim frantically negotiated a path to his car through a virtual phalanx of

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snowmen constructed by you know who, Dwight menacingly observed from the office rooftop — his twisted mind contemplating his next demonic exploit.

From the onset, the show has toyed with the unstable polarity of Dwight's character. We can't decide whether we would hug him or . . . run from him. If Dwight eventually wigs out and seriously hurts someone, we shouldn't be too surprised. After all, over the years, he has shown many of the classic signs of a "dangerous" employee. Not to mention a creepy obsession with his German ancestry and that crazy beet farm. And then, there's his cousin Mose, the perfect accomplice. But, we digress . . .

Among those who study workplace violence, the term "disgruntled employee" symbolizes one of the primary indicators. The tell-tale characteristics oftentimes include, among other things:

- Explosive outbursts of anger;
- Increased unsolicited comments on or about firearms; and
- Resistance and overreaction to changes in procedures.

Hmmm . . . sounds a little like Dwight, no? But not Dwight, it couldn't be Dwight — we've known him for so long! Yet, a 2004 report on workplace violence prevention concludes that oftentimes, "the perpetrators are present or former workers who usually have substantial knowledge of coworkers, physical surroundings, and often security and violence prevention methods." That, too, is eerily descriptive of Dwight.

If Sabre/Dunder Mifflin is genuinely concerned with reducing workplace risks, it should take a hard look at our friend Dwight. After all, the company could end up on the hook for negligent retention if Dwight attacks a fellow employee. That's because an employer can be held liable for negligent retention if it is (or should have been) aware of an employee's unsuitability but fails to take action, and an injury results.

But, somehow we doubt that Dwight will exit the show because of a pink slip. We have a feeling that the company will continue to turn a blind eye to his antics and will simply roll the dice, entertaining us to the bitter end. And for once, we're grateful for a poorly run HR department.

** A special thanks to my colleague, Josh Drexler, for developing the theme and coauthoring tonight's blog.

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