

“that’s what she said”

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

Andy for the Win!

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Litigation Value: More fodder for everybody’s negligent retention suit as Dwight shows more predilections toward violence in the workplace, but otherwise, not much litigation expected from this episode – just a host of employee morale issues. I’m sure Robert California will be harassing someone before long, though.

Well, friends, the wait is finally over – last night we met the new Sabre Scranton branch manager! The selection committee chose Robert California, played by James Spader... but after one look at the office he drove straight to Florida and talked Jo into giving him her CEO job instead. That’s one persuasive guy. I guess I can see why the selection committee liked him... well, maybe liked is too strong a word. I can see why they were intrigued. California then chose an internal candidate to fill the manager’s seat – none other than that singing phenom, Andy Bernard!

Of course, California’s reign as CEO gets off to a rocky start. After zeroing in on Erin for an intense small-talk session, California leaves his personal notebook open at the reception desk. Naturally, Erin looks at it and what she finds is a list of all the employees in the office, divided into two columns. Soon the entire office is buzzing – what does it mean? Dwight gathers the employees into two groups and prompts the left side of the column to “Attack!” – starting a minor workplace brawl, which could have been worse if anyone other than Kevin listened to Dwight. I’ll say it again. Between stashing weapons around the office, nearly shooting one of his co-workers, and now trying to start a brawl in the middle of the workplace (which is only appropriate if your workplace is a hockey rink), why is Dwight not fired yet? The guy is a negligent retention lawsuit waiting to happen. Given that he has shown, not signs, but actual acts of workplace violence, it’s only a matter of time until he seriously hurts someone – and then Sabre is going to have a big litigation bill, and maybe even a bigger settlement, on its hands.

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When California invites the left side of the list – including Jim, Dwight, Oscar, Angela, Phyllis and Kevin – out to lunch and tells him that he thinks they’re “winners,” the tension escalates. If the left side of the list are winners, does that mean the right side of the list are losers? Well, yes, evidently that’s exactly what it means. The list seems to be some kind of twisted motivation tool, as California urges the “winners” to prove him right and the “losers” to prove him wrong.

As we’ve seen time and time again (i.e. with Michael Scott), so many workplace problems are caused by a lack of common sense. As lawyers, we often focus on the legal ramifications of a particular action. And while the legal ramifications are important, it’s also important to consider things like how a particular action by a manager will appear to employees. Using common sense can avert a lot of problems in the office, while failing to use it can cause them. Union organizing campaigns can often be traced back to an abrasive manager, for example. Employees who feel respected and valued are most likely to work hard, be productive, and perform well. Employees who feel disrespected and undervalued often don’t give their best efforts, and quite a few of them get litigious.

Not a good way to start off your CEO-ship, Robert California. Did you miss the day of kindergarten where you were supposed to learn the golden rule? Think of how you’d respond if you spotted your name on a list made by your boss, and didn’t know what it meant. Would it be a delightful puzzle or a source of added stress? And then, if you found out it was because your boss thought you were a “loser,” would you be trying to prove him wrong, or would you be polishing your resume? I’m not talking about writing a note to the file of an employee you think shows great promise, to watch out for advancement opportunities for the person – that’s fine. But the list was immature, in poor taste, and set up a possibly serious workplace morale problem.

One good thing did come out of the whole debacle, though – Andy got to show what kind of manager we can expect him to be. Although he was understandably nervous around the new CEO, he went to bat for his team and showed California exactly why he shouldn’t leap to conclusions about people before getting to know them. Andy even found kind words to say about Meredith. He showed, dare I say, a Michael Scott-esque commitment to his people. I’ve always thought Michael’s best quality was the way he valued his team, and Andy showed that he values them just as highly and is just as willing to stick his neck out for them. Good on you, Andy. Ezra Cornell would be proud. And so would Michael Scott.