

“that’s what she said”

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

A Flush and a Fluke

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Litigation Value: Dwight manhandling Gabe = a pricey negligent retention/supervision lawsuit; Andy trying to convince Oscar to cook the sales books = \$700 for an expedited severance agreement and release in full for Andy; Kevin and the Einsteins claiming all the glory at trivia = one priceless fluke.

What happens when an office is \$800 short of meeting its sales goal on the very last day of the quarter? For our Scranton friends, it means a road trip to a gay bar in Philadelphia for one epic night of trivia. Anxious to impress Robert California, Andy is desperate to hit his numbers at any price, including buying a car load of paper himself and even asking Oscar to fudge the sales numbers for him.

Oscar does not seem phased by the request, but he is leaving for a big trivia tournament in Philadelphia with a \$1,000 grand prize and does not have time to help Andy. Hoping to win the money and use it to hit the office’s sales goal, Andy packs up the Scranton crew and takes his three teams to The Wishing Well. Luckily for Andy, the “Just Here to Have a Good Time” Team (Erin, Kelly, Kevin, and Creed) turns out to be The Einsteins and the big winner. It looks like Scranton will hit its sales goal after all. For the sake of entertainment, let us hope that Robert does not get wind of Andy’s shady antics and decide to replace him.

Meanwhile, Dwight travels to Sabre’s corporate headquarters in Florida to convince Robert to hire him for an open management position. Robert pretends he is too busy to meet and instructs Gabe to lie to Dwight and pretend to interview him for the position. After Dwight insults Gabe’s “squirrel” office, ridicules Gabe for comparing himself to a toilet as opposed to a garbage disposal, and makes fun of Gabe’s status as the bagel guy, Gabe takes pleasure in turning Dwight down for the position. This backfires when Dwight strong arms Gabe into taking him to Robert’s home and interrupting Robert’s living room wrestling match. It looks like Gabe “The Toilet” Lewis has one big – um – “problem” on his hands that just will not flush.

Although this is an extreme example of what not to do when interviewing an applicant, there are some things employers can learn from this episode. First, it is best not to lie to the candidate and then leave them to be interviewed by an individual with whom there is obvious hostility. Second, the interview setting should be appropriate. Ideally, an interview should take place in a comfortable location, preferably one that ensures privacy. Interviewing someone in a jungle office with no walls is clearly not the best choice. Gabe did do one thing right, though. He did not make any promises to Dwight about his job security or continued employment, both of which can be construed by applicants as binding employment agreements and result in litigation.

Dwight did not get the management job he wanted, but he did get the offer of a medal and assurances from Robert that, when something appropriate comes up, Robert will give him a shot. All Gabe got was a sore arm and a new nickname. Let us know what position you think would be appropriate for Dwight and send us your favorite trivia team names.