

“that’s what she said”

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

Nervous (About) Nellie

February 16, 2012 - by: Doug Hall

Litigation Value: \$100,000 – perhaps more if Todd Packer sleeps his way to a VP position.

All sorts of sexual shenanigans occur throughout tonight’s episode, “Tallahassee.” Most of the action takes place in the aforementioned capital city of Florida, where Dwight, Jim, Stanley, Ryan, Erin, and Kathy are attending a meeting regarding Sabre’s plan to open retail stores. And who else do we find at the meeting but walking employment law disaster Todd Packer and Nellie Bertram, the slightly ... quirky, shall we say, friend of Jo who memorably interviewed for the regional manager position in Scranton. Todd and Nellie engage in the most blatant inappropriate conduct of the episode — and Nellie’s wink to Todd after she says she is “waiting for someone to wow me” hints at perhaps even worse.

Before we get to the meeting itself, let’s talk about Dwight’s behavior that morning. Concerned about making it to the meeting on time, Dwight takes it upon himself to wake up the rest of the team members by using duplicate keys to enter their hotel rooms and rouse them from their sleep. He frightens Kathy, suffocates Stanley and exposes Erin to Ryan’s drowsy amorous advances (until Ryan realizes he is on camera — “not cool!”). Though Dwight gets his comeuppance via a detailed prank courtesy of Jim, that doesn’t change the fact that his co-workers might well file claims against him (and the company, as he is the head of the project) based on his invasion of their privacy, infliction of emotional distress, assault, and battery.

Just before the meeting gets started, Todd Packer reprises his habit of referring to Jim with an anti-gay slur, then feels compelled to tell the camera about how his “9-inch” helped him survive the efforts by Jim and Dwight to get him fired. Although perhaps not actionable in and of themselves, these statements would be added to what must be a mountainous file that Toby, Gabe, or someone else in HR must have on Packer. He is a ticking time bomb waiting to explode, from an employment law liability perspective.

Nellie, who is now Sabre’s president of special projects, is a piece of work herself. She sets Ryan up by telling him to make a statement, then suggesting that he assumes a man will be leading the meeting. Not only does she then ridicule Ryan for his purported preconceived notion, she feels compelled to graphically refer to male and female genitalia to make her point about sexual stereotypes. Unnecessary, offensive, and potentially actionable. And if she and Packer had engaged (or will be engaging) in sexual congress, as it appears may have been the case, and he ends up getting the vacant vice president position, other candidates certainly could claim that sleeping with Nellie was the only reason he got the job. This points out a potential problem that even a

consensual office romance can create, when the individuals involved are in a manager-subordinate structure: If the subordinate does well and is promoted or otherwise rewarded, others who aren't treated as favorably could claim that the favorable treatment is due to the relationship between the two, rather than the subordinate's merits.

All in all, a very cringe-worthy episode (and I haven't even mentioned Dwight's effort to explain the "cyclical" nature of shopping or his showing off his fresh appendix incision) that could end up being a heap of trouble for our friends at Sabre. Back in Scranton, on the other hand, things were quiet, both literally and on the employment law front (unless someone steps on that pin Andy pretended to pick up). Andy had a brief flirtation with becoming a receptionist and reminded us that he's still pining for Erin, but nothing particularly untoward back at the ranch. And I did love his "bouquet" of pens and pencils that he threw together. Alas, I feel Andy has missed his calling by becoming regional manager.