

## D.C. Circuit Calls Out NLRB For “Interpretive Leap”

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Pro-employer interests received an energizing shot in the arm from a recent D.C. Circuit opinion. In *Flagstaff Medical Center Inc. v. NLRB*, the D.C. Circuit Court of Appeals was reviewing the NLRB's 2011 ruling that the company president's remarks that “ *I would not be negotiating with the union*” or “ *you won't be negotiating with me*” constituted threats that unionization would be futile and were evidence of anti-union animus. The D.C. Circuit disagreed, stating that “[t]he record does not support this interpretive leap.”

The D.C. Circuit found that these statements were made in regard to the president's attendance at the meetings and not the company's willingness to negotiate. The full opinion can be [found here](#).

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