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NIH Withdraws Recognition from Union Representing Grad Students and Postdocs

Labor Relations Update on **March 13, 2026**

The National Institutes of Health (NIH) has withdrawn recognition from the union representing its postdoctoral and graduate student fellows. In the email announcing the decision, the NIH stated it withdrew recognition because the fellows are not "employees." Unionization at federal agencies like the NIH is regulated by the Federal Labor Relations Authority (FLRA), rather than the National Labor Relations Board (NLRB) which oversees labor relations in the private sector.

Background

The unit, represented by the United Auto Workers, was certified by the FLRA in December 2023 after NIH fellows voted overwhelmingly in favor of forming a union. The unit included approximately 5,000 early-career researchers in post-baccalaureate, graduate student and postdoctoral positions at the NIH.

The NIH and Union entered into a collective bargaining agreement which was ratified in December 2024, and set to expire in December 2027.

On March 2, 2026, despite the CBA being in effect, the NIH wrote to the Union stating that "[t]he NIH/UAW bargaining unit should never have been certified" and the NIH would "no longer recognize the NIH/UAW bargaining unit." Importantly, the NIH's email asserted that the NIH trainees represented by the union are not "employees" as they are primarily trainees.

Implications for Private Sector Employers

As a federal agency, labor relations at the NIH are governed by the FLRA, not the NLRB, but the underlying statute has a somewhat similar definition of "employee" to the definition under the NLRA. Therefore, a ruling by the FLRA may influence arguments that could be made under the NLRA.

The NLRB has not squarely addressed whether postdoctoral fellows are employees under the NLRA, and some universities view their postdocs as serving in a more academic training role, rather than as traditional employees. For example, University of Pennsylvania challenged the employee status of certain externally funded postdoctoral fellows, but NLRB Region 4 rejected that challenge and no appeal was taken.

Takeaways

The NIH's decision to withdraw recognition represents a direct challenge to whether postdoctoral researchers are employees or trainees. We will monitor this issue for any updates.

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