

MAY DAY 2026 COULD BE COMING TO YOUR CAMPUS: WHAT EDUCATION EMPLOYERS NEED TO KNOW ABOUT POTENTIAL PROTEST ACTIVITY

Insights
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A nationwide coalition is calling for a “no work, no school, no shopping” action on May 1, and education employers are squarely in the crosshairs. From K-12 private schools to colleges and universities, administrators and HR leaders should understand both the legal landscape and the specific organizing activity underway in the education sector before May Day arrives. This Insight provides a specific and detailed guide so that your institution understands its rights and responsibilities in the face of potential protests and walkouts.

Read Our Detailed Action Plan

We have published a [comprehensive guide to general employer rights and responsibilities during May Day protest activity](#). We suggest familiarizing yourself with the basics from that Insight before focusing on what education employers specifically need to know as explained in this Insight.

The Education Sector Is Being Specifically Targeted

This is not a general labor action that might incidentally affect schools. Education employers should assume that

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organized outreach is already underway among their employees.

- Higher Education Labor United (HELU), a national coalition of campus worker organizations, [has published an explicit call for all campus workers to join the May Day general strike.](#)
- Meanwhile, the National Education Association has published a full [May Day organizing toolkit](#), providing members with event planning guides, talking points, social media scripts, and sample communications to support participation in what it is calling a national day of action on May 1. The NEA toolkit explicitly encourages “walk-ins” at school buildings (organized gatherings designed to demonstrate solidarity) in addition to marches, rallies, and other visible actions.

Private K-12 Schools

Private K-12 schools are covered by the NLRA, meaning the same framework that applies to other private-sector employers applies here. The threshold question – whether a walkout is protected concerted activity or an unprotected political action – turns on whether employees can credibly connect the action to their own terms and conditions of employment.

For private K-12 schools, a few considerations are particularly acute:

- **Substitute coverage is harder to arrange on short notice.** Unlike some industries where a day of absences creates disruption but not crisis, schools have legal and ethical obligations to students. If May 1 falls during a school day and significant staff absences occur, your contingency planning needs to go beyond HR. It needs to involve student safety and parent communication.
- **Teacher contracts and handbooks matter.** Many private school employment agreements include attendance and leave provisions that may govern unexcused absences. Review those provisions now and understand your enforcement options.
- **Collective bargaining agreements, if applicable, deserve immediate review.** Some private K-12 schools have unionized faculty or staff. If you have a CBA with a no-

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strike clause, that clause is your first line of defense – but it comes with conditions. (See [our main Insight](#) for details on no-strike clause enforcement and exceptions.)

Private Colleges and Universities

Higher education faces some of the most organized May Day mobilization in any sector. HELU's call explicitly targets the full range of campus workers, including contingent faculty, graduate workers, and subcontracted staff. It frames a general campus strike as one that would include everyone who works on campus, along with students and community members.

Private colleges and universities should be thinking about several layers simultaneously:

- **Faculty governance and academic calendar complications.** A walkout affecting faculty could disrupt not just individual classes but exams, research activities, and end-of-semester operations depending on timing. Know your academic calendar and where May 1 falls in it.
- **Graduate student employees and contingent faculty** are among the most heavily organized groups on campuses and are explicitly called out in HELU's mobilization. If your institution has graduate employee unions or contingent faculty unions, review those CBAs now.
- **Research funding and sponsored programs.** For research universities, staff walkouts in labs or administrative offices can have downstream compliance implications for sponsored research agreements. Flag this with your research administration office.
- **Student conduct is a separate lane.** Students who walk out of class or participate in demonstrations are generally not employees and are subject to your student conduct policies, not employment law. Keep those frameworks clearly separated in your institutional response.

A Note on Public Colleges and Universities

Public institutions operate under a different legal framework. As government employers, public colleges and universities are not covered by the NLRA. Instead, employee rights are governed by state public employment relations laws, which vary significantly by

state. Many states restrict or prohibit strikes by public employees, including faculty and staff at public universities.

Equally important: As government entities, public institutions have First Amendment obligations as employers that private employers do not. That means some restrictions that are lawful at a private institution (such as certain communications discouraging employee participation in political activity) could raise constitutional concerns in the public sector context. Public college and university administrators should work closely with your FP legal counsel before taking any action related to May Day employee activity.

What All Education Employers Should Do Now

Regardless of institution type, the time to prepare is April, not May 1. Here's where to focus:

- **Assess your exposure.** Which employee groups are most likely to participate? How does May 1 align with your academic calendar, scheduled events, or operational obligations?
- **Review your contracts, handbooks, and leave policies.** Know what you can enforce and under what circumstances.
- **Brief your supervisors and department heads.** They need to know what they can and cannot say to employees in the coming weeks. Coercive statements (even well-intentioned ones) can create independent legal liability.
- **Develop a student and parent communication plan.** If significant staff absences occur, you will need to communicate quickly and clearly. Draft that communication now.
- **Contact your Fisher Phillips education counsel.** The intersection of labor law, academic employment, and the unique operational demands of educational institutions requires advice tailored to your specific situation. The authors of this Insight, or your FP Education attorney, are available to help.

Conclusion

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