SB 417 - Labor and Employment - Mandatory Meetings

Uploaded by: Brian Wivell

Position: FAV

Amalgamated Transit Union Local 1300

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Proudly representing the transit workers of the MTA!

SB 417 - Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)

Favorable
Senate Finance Committee
February 18, 2026

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

Captive audience meetings are a violation of a worker's freedom of speech. It's that simple. They are a form of compelled political activity that violates the constitution. We were glad to see that the National Labor Relations Board (NLRB) banned captive audience meetings as an unfair labor practice that was prohibited by federal law.

Unfortunately, with Trump's unconstitutional seizure of and disregard for the NLRB, these protections were rolled back and workers will be subjected to mandatory political and religious meetings held by their employers, unless the Maryland General Assembly intervenes.

We urge the committee to issue a favorable report on this bill.

SB0417_–_Labor_and_Employment_–_Mandatory_Meetings
Uploaded by: Cecilia Plante
Position: FAV

TESTIMONY

SB0417 – Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation

Bill Sponsor: Senator Lam
Committee: Finance
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Aileen Alex, Cochair
Position: FAVORABLE

I am submitting this testimony in support of SB0417 on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district—representing more than 30,000 Marylanders.

SB0417 protects workers from being required to attend employer-mandated meetings where the employer expresses political or religious views. These "captive-audience meetings" put workers in an unfair position, forcing them to sit through opinions they may not share and creating an atmosphere of pressure, coercion, or fear of retaliation. No one should have to choose between their job and their personal beliefs.

This bill allows employees to decide for themselves whether to participate in these discussions without risking their employment or workplace standing. It preserves freedom of belief, reduces intimidation, and strengthens basic worker rights. SB0417 also includes clear enforcement mechanisms so employees have a meaningful way to file complaints if their rights are violated. By setting statewide standards, the bill promotes fairness, transparency, and respect in Maryland workplaces.

SB0417 directly supports the mission of the Maryland Legislative Coalition. Our work is rooted in civic empowerment and ensuring Marylanders can be free of such coercion. When workers are pressured into political or religious conversations under threat of reprisal, their voices are diminished at work and beyond. This bill helps protect workers' freedom.

For these reasons, we respectfully urge a **FAVORABLE** report on SB0417.

SB 417 AFSCME Council 3 Testimony_FAV.pdf
Uploaded by: Christian Gobel
Position: FAV

Council 3 AFSCME MARYLAND
1410 Bush Street (Suite A)
Baltimore, MD 21230
Phone: 410-547-1515
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Patrick Moran – President

SB 417 – Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation
(Maryland Worker Freedom Act)
Finance Committee
February 18, 2026

FAVORABLE

AFSCME Maryland Council 3 supports Senate Bill 417. Senate Bill 417 prohibits an employer, the employer's agent, representative, or designee from taking adverse employment action against an employee or applicant for employment who declines to attend, participate, or listen to communications from the employer in an employer-sponsored meeting during which the employer communicates their opinion on religious or political matters. Under the bill, "political matters" includes "the decision to join or support a political party or potential civic, community, fraternal, or labor organization."

The legislation also enables an employee to file a written complaint with the Commissioner of Labor and Industry, if an employee believes an employer has violated the standards established in the bill. The Commissioner is authorized to investigate the complaint and attempt to resolve the matter informally through mediation. If, however, the Commissioner cannot resolve the matter through mediation, and, after an investigation the Commissioner determines the employer has violated this section they may assess civil penalties, issue orders to cease and desist from the violative conduct, and seek other remedial action. The Commissioner is authorized to file a petition in any circuit court to seek enforcement of their order.

AFSCME Maryland Council 3 represents approximately 55,000 public service workers across varying levels of government including city, county, state, and higher education. AFSCME members are on the frontlines every day delivering critical public services our communities depend on.

Across the country, states are moving to protect workers from compulsory attendance in employer-sponsored meetings, also known as "captive-audience meetings," during which the employer communicates their political or religious opinions, including their views on unionization.[1] Research has shown that employers spend approximately $400 million per year on anti-union consultants who specialize in using captive audience meetings, in addition to other tactics, to intimidate and instill fear in workers for the purpose of dissuading workers from forming a union.[2]

[1] Daniel Perez and Jennifer Sherer, *Will Illinois be next to tackle the problem of 'captive audience' meetings? Rights and freedoms of 22.7 million workers now protected in seven states*, Economic Policy Institute, April 18, 2024, https://www.epi.org/blog/will-illinois-be-next-to-tackle-the-problem-of-captive-audience-meetings-rights-and-freedoms-of-22-7-million-workers-now-protected-in-seven-states/.
[2] *Id.*

Workers employed by Centurion, a healthcare provider for incarcerated individuals, at Western Correctional Institution and North Branch Correctional Institution were subjected to employer-sponsored meetings, during which the employer and their agents expressed their negative views on unionization to workers. These employer-sponsored communications occurred in large-group settings as well as individualized, targeted meetings. During the course of workers organizing attempts to join AFSCME Council 3, the employer: i) hired a union avoidance educator to speak with every employee at the worksite during work hours; ii) sent emails and texts urging employees to vote no on unionizing; and iii) sent company executives to hold group meetings on why employees should not unionize. Despite the employer's efforts, the workers at Centurion voted to join AFSCME Council 3, however, the employer has continued to litigate the election before the NLRB, and thus, the workers have not been able to be certified and commence bargaining.

SB417 will provide workers with additional protection from employer retaliation and promote a workers' freedom to choose whether they wish to listen to an employer's opinions regarding political or religious matters. Workers should not be subjected to mandatory or compulsory communications from their employer on matters that are deeply important and personal to an individual's beliefs and feel threatened in the security of their employment if they do not attend an employer sponsored meeting on such matters.

We urge the committee to issue a favorable report on Senate Bill 417.

Council 3
AFSCME
MARYLAND

SEIU Local 500 - Testimony in Support of SB 417 20
Uploaded by: Christopher Cano
Position: FAV

Testimony - SB 417, Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance & Participation (Maryland Worker Freedom Act)
Favorable
Senate Finance Committee
February 18, 2026
Christopher C. Cano, MPA
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairwoman Beidle & Members of the Senate Finance Committee:

SEIU Local 500 represents thousands of public service workers across Maryland, including employees in public schools, higher education, and public institutions. Our members are dedicated professionals who serve Maryland's communities every day. They deserve workplaces grounded in respect, fairness, and freedom from coercion.

SB 417 establishes a clear and commonsense principle: no worker should be required to attend or participate in employer-sponsored meetings where the employer expresses opinions on political or religious matters, under threat of discipline, discharge, or retaliation.

Workers should not have to choose between their paycheck and their personal beliefs.

This bill does not prohibit employers from expressing their views. It does not prevent voluntary meetings. It does not interfere with required workplace trainings or job-related communications. What it does is ensure that attendance and participation in meetings about political or religious viewpoints are truly voluntary.

In recent years, mandatory "captive audience" meetings have become more common in some workplaces across the country—often during union organizing efforts, ballot initiatives, or public policy debates. Employees can be required to sit through messaging about elections, legislation, public policy proposals, or labor organizations, with implicit or explicit pressure to conform. SB 417 protects workers from being compelled into those situations.

The bill strikes a careful balance. It includes appropriate exemptions for religious organizations, political organizations, educational coursework, legally required trainings, and governmental communications related to policy administration. It creates a fair enforcement process through the Commissioner of Labor and Industry, with mediation as a first step and meaningful remedies if violations occur. It also requires employers to post clear notices so workers understand their rights.

At its core, this legislation affirms a simple but powerful idea: employees are not captive audiences. They are individuals with their own political and religious beliefs. Protecting their right to decline participation in employer-sponsored messaging on those matters strengthens workplace dignity and reinforces democratic values.

Maryland has long been a leader in protecting workers' rights. SB 417 continues that tradition by ensuring that free speech and freedom of belief extend into the workplace.

For these reasons, SEIU Local 500 respectfully requests a favorable report on Senate Bill 417. Thank you to Senator Lam for leading on this important issue of worker freedom.

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

SB 417_Amendment_Lam.pdf
Uploaded by: Clarence Lam
Position: FAV

SENATE BILL 417

K3 6lr1984
CF HB 45

By: **Senator Lam**
Introduced and read first time: January 29, 2026
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation
(Maryland Worker Freedom Act)

FOR the purpose of prohibiting employers and their agents, representatives, and designees from taking certain actions against an employee or applicant for employment because the employee or applicant takes certain actions regarding employer–sponsored meetings during which the employer communicates the opinion of the employer regarding religious matters or political matters; ~~authorizing an employee to file a certain complaint with the Commissioner of Labor and Industry; authorizing the Commissioner to take certain actions related to violations of certain provisions of this Act~~ authorizing an aggrieved employee to bring a civil action in a certain court if an employer violates this Act; requiring employers to notify the employer's employees in a certain manner of the requirements and protections provided under certain provisions of this Act; requiring the Commissioner to develop and make available a certain poster and model notice; and generally relating to employee attendance and participation in employer meetings on religious or political matters.

BY adding to
Article – Labor and Employment
Section 3–718
Annotated Code of Maryland
(2025 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

3–718.

REPRINT OF SENATE BILL 417 as amended by SB0417/913423/1 02/16/26 at 3:04 PM

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "POLITICAL MATTERS" MEANS MATTERS RELATING TO:

(I) ELECTIONS FOR POLITICAL OFFICE;

(II) POLITICAL PARTIES;

(III) PROPOSALS TO CHANGE:

1. LEGISLATION;

2. REGULATIONS; OR

3. PUBLIC POLICY; OR

(IV) THE DECISION TO JOIN OR SUPPORT A POLITICAL PARTY OR POTENTIAL CIVIC, COMMUNITY, FRATERNAL, OR LABOR ORGANIZATION.

(3) "RELIGIOUS MATTERS" MEANS MATTERS RELATING TO RELIGIOUS BELIEF, AFFILIATION, AND PRACTICE OR THE DECISION TO JOIN AND SUPPORT A RELIGIOUS ORGANIZATION OR ASSOCIATION.

(B) THIS SECTION DOES NOT APPLY TO AN EMPLOYER THAT:

(1) IS A RELIGIOUS CORPORATION, ORGANIZATION, OR ASSOCIATION OR AN EDUCATIONAL INSTITUTION OR SOCIETY THAT IS EXEMPT FROM THE REQUIREMENTS OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 UNDER 42 U.S.C. § 2000E–1(A) OR IS EXEMPT FOR EMPLOYMENT DISCRIMINATION PROTECTIONS UNDER STATE LAW;

(2) IS A POLITICAL ORGANIZATION THAT REQUIRES ITS EMPLOYEES TO ATTEND AN EMPLOYER–SPONSORED MEETING OR TO PARTICIPATE IN COMMUNICATIONS WITH THE EMPLOYER OR THE EMPLOYER'S AGENTS OR OTHER REPRESENTATIVES FOR THE PURPOSE OF COMMUNICATING THE EMPLOYER'S POLITICAL TENETS OR PURPOSES;

(3) IS AN EDUCATIONAL INSTITUTION THAT REQUIRES A STUDENT OR AN INSTRUCTOR TO ATTEND LECTURES ON POLITICAL OR RELIGIOUS MATTERS AS PART OF THE REGULAR COURSEWORK AT THE INSTITUTION;

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(4) IS A NONPROFIT, TAX–EXEMPT TRAINING PROGRAM THAT REQUIRES A STUDENT OR AN INSTRUCTOR TO ATTEND CLASSROOM INSTRUCTION, COMPLETE FIELDWORK, OR PERFORM COMMUNITY SERVICE HOURS ON POLITICAL OR RELIGIOUS MATTERS AS IT RELATES TO THE MISSION OF THE TRAINING PROGRAM;

(5) REQUIRES EMPLOYEES TO UNDERGO TRAINING TO COMPLY WITH FEDERAL OR STATE LAW, INCLUDING TRAINING RELATED TO THE EMPLOYER'S OBLIGATIONS UNDER CIVIL RIGHTS LAWS AND OCCUPATIONAL SAFETY AND HEALTH LAWS; OR

(6) IS A GOVERNMENTAL UNIT HOLDING A NEW EMPLOYEE ORIENTATION.

(C) AN EMPLOYER, OR THE EMPLOYER'S AGENT, REPRESENTATIVE, OR DESIGNEE, MAY NOT:

(1) DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE OR THREATEN TO DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE AN EMPLOYEE BECAUSE THE EMPLOYEE DECLINES TO ATTEND, PARTICIPATE IN, OR LISTEN TO COMMUNICATIONS FROM THE EMPLOYER, OR THE EMPLOYER'S AGENT, REPRESENTATIVE, OR DESIGNEE, IN AN EMPLOYER–SPONSORED MEETING DURING WHICH THE EMPLOYER COMMUNICATES THE OPINION OF THE EMPLOYER REGARDING RELIGIOUS MATTERS OR POLITICAL MATTERS; OR

(2) FAIL OR REFUSE TO HIRE AN APPLICANT FOR EMPLOYMENT AS A RESULT OF THE APPLICANT'S REFUSAL TO ATTEND OR PARTICIPATE IN AN EMPLOYER–SPONSORED MEETING DURING WHICH THE EMPLOYER COMMUNICATES THE OPINION OF THE EMPLOYER REGARDING RELIGIOUS MATTERS OR POLITICAL MATTERS.

(D) THIS SECTION DOES NOT PROHIBIT AN EMPLOYER:

(1) FROM COMMUNICATING INFORMATION THAT THE EMPLOYER IS REQUIRED BY LAW TO COMMUNICATE;

(2) FROM CONDUCTING A MEETING THAT INVOLVES RELIGIOUS MATTERS OR POLITICAL MATTERS IF ATTENDANCE AND PARTICIPATION ARE VOLUNTARY;

(3) FROM COMMUNICATING TO ITS EMPLOYEES INFORMATION THAT IS NECESSARY FOR ITS EMPLOYEES TO PERFORM THEIR JOB DUTIES;

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(4) THAT IS AN INSTITUTION OF HIGHER EDUCATION, OR AN AGENT OR OTHER REPRESENTATIVE OR DESIGNEE OF THE INSTITUTION, FROM MEETING WITH OR PARTICIPATING IN COMMUNICATIONS WITH ITS EMPLOYEES THAT ARE PART OF COURSEWORK, A SYMPOSIUM, OR AN ACADEMIC PROGRAM AT THE INSTITUTION; OR

(5) THAT IS A GOVERNMENTAL UNIT FROM COMMUNICATING TO ITS EMPLOYEES INFORMATION RELATED TO A POLICY OF THE EMPLOYER OR A LAW THAT THE EMPLOYER IS RESPONSIBLE FOR ADMINISTERING.

(E) (1) ~~IF AN EMPLOYEE BELIEVES THAT AN EMPLOYER HAS VIOLATED THIS SECTION, WITHIN 180 DAYS AFTER THE ALLEGED VIOLATION, THE EMPLOYEE MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSIONER.~~

~~(2) AFTER RECEIVING A WRITTEN COMPLAINT FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL CONDUCT AN INVESTIGATION AND ATTEMPT TO RESOLVE THE ISSUE INFORMALLY THROUGH MEDIATION.~~

~~(3) IF THE COMMISSIONER IS UNABLE TO RESOLVE AN ISSUE THROUGH MEDIATION AND, AFTER AN INVESTIGATION, THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS VIOLATED THIS SECTION, THE COMMISSIONER MAY ASSESS A CIVIL PENALTY OF:~~

~~(I) FOR AN INITIAL VIOLATION, UP TO $10,000; OR~~

~~(II) FOR A SUBSEQUENT VIOLATION, UP TO $25,000.~~

~~(4) IN ADDITION TO CIVIL PENALTIES ASSESSED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSIONER MAY:~~

~~(I) ISSUE AN ORDER TO CEASE AND DESIST FROM THE VIOLATION AND ANY FURTHER SIMILAR VIOLATIONS; OR~~

~~(II) AWARD ANY OTHER RELIEF THAT THE COMMISSIONER DETERMINES IS APPROPRIATE, INCLUDING:~~

~~1. INJUNCTIVE RELIEF;~~

~~2. COMPENSATORY DAMAGES;~~

~~3. AFFIRMATIVE RELIEF, INCLUDING:~~

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~~A. THE REINSTATEMENT OF THE EMPLOYEE TO THE EMPLOYEE'S FORMER POSITION OR AN EQUIVALENT POSITION;~~

~~B. BACK PAY AND INTEREST AMOUNTS OWED; OR~~

~~C. RESTORATION OF EMPLOYEE BENEFITS, PENSION OR RETIREMENT ACCRUAL, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR WHICH THE EMPLOYEE WOULD HAVE BEEN ELIGIBLE; OR~~

~~4. REASONABLE ATTORNEY'S FEES AND OTHER COSTS.~~

~~(5) THE COMMISSIONER MAY FILE A PETITION IN ANY CIRCUIT COURT FOR ANY COUNTY SEEKING ENFORCEMENT OF AN ORDER UNDER THIS SECTION~~ **IF AN EMPLOYER VIOLATES THIS SECTION, THE AGGRIEVED EMPLOYEE MAY BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION IS ALLEGED TO HAVE OCCURRED OR IN WHICH THE PRINCIPAL OFFICE OF THE EMPLOYER IS LOCATED WITHIN 90 DAYS AFTER THE DATE ON WHICH THE ALLEGED VIOLATION OCCURRED.**

(2) IN AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT MAY AWARD:

(I) INJUNCTIVE RELIEF;

(II) LOST WAGES;

(III) REINSTATEMENT OF EMPLOYMENT; AND

(IV) ANY OTHER RELIEF THAT THE COURT DETERMINES IS APPROPRIATE.

(F) (1) EACH EMPLOYER SHALL NOTIFY THE EMPLOYER'S EMPLOYEES OF THE REQUIREMENTS AND PROTECTIONS PROVIDED UNDER THIS SECTION BY:

(I) POSTING THE POSTER OR NOTICE DEVELOPED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN A PLACE WHERE EMPLOYEE NOTICES ARE CUSTOMARILY POSTED OR IN ANOTHER CONSPICUOUS PLACE ACCESSIBLE BY ALL EMPLOYEES OF THE EMPLOYER; AND

(II) PROVIDING THE NOTICE DEVELOPED UNDER PARAGRAPH (2) OF THIS PARAGRAPH TO EACH NEW EMPLOYEE ON HIRING.

(2) (I) THE COMMISSIONER SHALL DEVELOP AND MAKE AVAILABLE TO EMPLOYERS A POSTER AND MODEL NOTICE THAT SUMMARIZES THE RIGHTS ESTABLISHED UNDER THIS SECTION~~, INCLUDING HOW TO FILE A COMPLAINT WITH THE COMMISSIONER~~.

(II) THE POSTER AND MODEL NOTICE DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE MADE AVAILABLE IN ENGLISH AND ANY OTHER LANGUAGES COMMONLY USED BY EMPLOYEES IN THE STATE.

~~(3) THE COMMISSIONER SHALL CONSIDER FAILURE TO COMPLY WITH THE NOTICE REQUIREMENT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION AN AGGRAVATING FACTOR WHEN AWARDING RELIEF UNDER SUBSECTION (E) OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Commissioner of Labor and Industry shall develop and make available the poster and model notice required under § 3–718(f)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, on or before November 1, 2026.

REPRINT OF SENATE BILL 417 as amended by SB0417/913423/1 02/16/26 at 3:04 PM

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

SB417_FAV.pdf
Uploaded by: Donna Edwards
Position: FAV

MARYLAND STATE & D.C. AFL-CIO
Affiliated with the National AFL-CIO

Donna S. Edwards
President

Samuel Epps, IV
Secretary-Treasurer

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SB 417 - Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)

Senate Finance Committee

February 18, 2026

SUPPORT

Donna S. Edwards

Maryland State and DC AFL-CIO

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in strong support of SB 417. On behalf of 700 affiliated unions, I offer the following comments.

Workers should not be compelled to listen to their employer's personal political or religious views as a condition of employment. In dismissing a challenge to Connecticut's anti-captive audience law passed in 2022, the Court held that the Connecticut Business and Industry Association (CBIA) "lacked standing to continue the suit because its First Amendment right to speak to its employees are not impacted by the law." [1]

"Captive audience" meetings undermine the fundamental right for employees to decide for themselves whether to participate in discussions about politics or religion while on the job. Under current Maryland law, employers may require workers to attend employer-sponsored meetings where the employer communicates their personal opinions on political or religious matters. Workers who decline to attend may face retaliation or other penalties that threaten their job. This creates a coercive environment where employees feel they must sit through speech they do not agree with simply to keep their jobs.

SB 417 directly addresses this problem by prohibiting employers from discharging, disciplining, penalizing, or threatening an employee because the employee has decided not to attend or leave the meeting. The bill also bars an employer from refusing to hire an applicant who chooses not to attend this type of meeting. The core principle of the bill is simple, workers may choose not to listen, while an employer may not retaliate. Maryland is not alone in considering this measure; 13 other states already have anti-captive audience

[1] "Attorney General Tong Statement on Major Win in Challenge to Connecticut Captive Audience Law." Office of the Attorney General, Connecticut. February 2026.

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laws in effect including Alaska, California, Hawaii, Illinois, Maine, and Minnesota. This legislation aligns Maryland with this growing number of states and ensures that workers enjoy the same protections already afforded elsewhere.

In 2023, the General Assembly passed HB 984, the Public Employee Relations Act, which prohibited public employers from forcing employees to attend meetings where they share their personal political or religious beliefs. SB 417 builds on this by extending these protections to *all* workers in Maryland.

It is important to note that SB 417 does not silence employers or restrict their speech in any way. Employers remain free to hold meetings, express their views, and communicate with their workforce. The bill simply ensures that attendance at meetings involving political or religious speech is *voluntary*.

The bill does not regulate labor relations, it regulates coercion. It prevents employers from using the threat of retaliation to force employees to listen to their personal views on matters unrelated to job duties. The Supreme Court has long recognized that the state may protect individuals from unwanted speech without infringing on the speaker's rights. In *Hill V. Colorado (2000)*, the court drew a clear distinction between restricting speech itself and protecting listeners from unwanted communication. SB 417 falls in the latter category.

Additionally, federal labor law does not preempt states from protecting workers from being compelled to attend meetings unrelated to their job duties. The Supreme Court has affirmed that states have broad authority under their police powers to regulate the employment relationship to protect workers. *Decanas v. Bica, 424 U.S. 351, 356 (1976)*. Just as states may prohibit employers from firing workers without just cause, they may prohibit employers from firing workers for an improper reason.

SB 417 protects freedom of conscience, promotes fairness in the workplace, and prevents the misuse of employer authority. It ensures that workers can make their own decisions about whether to participate in these types of meetings without fear of intimidation or retaliation.

For these reasons, we urge a favorable vote on SB 417.

WDC Testimony - SB0417 Maryland Worker Freedom Act

Uploaded by: Dorothy Manevich

Position: FAV

MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB
P.O. Box 34047, Bethesda, MD 20827 www.womensdemocraticclub.org

Senate Bill 0417: Maryland Worker Freedom Act
Sponsor: Senator Lam

Senate Finance Committee – February 18, 2026
SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club** (WDC) for the 2026 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

WDC urges a favorable report of SB0417, the Maryland Worker Freedom Act. This bill bans captive audience meetings, a tool employers use to intimidate workers ahead of union elections.

WDC supports this bill for two reasons:

1) Upholding democracy means upholding free and fair elections everywhere, whether those elections are for public office or for union representation.
2) We recognize unionization as a powerful tool for improving the lives of working women and their families.

Free and fair elections are the bedrock of any democratic system. When employers force their workers to attend anti-union meetings under penalty of discipline or discharge, they exercise undue influence. Union organizers do not have access to the same tools - they can never compel workers to attend a pro-union meeting. Under the current system, workers are much more likely to hear the case against unionization than the case for unionization. When workers' wages, benefits and workplace protections are at stake, they deserve a fair system that will allow them to make an informed choice.

A state like Maryland that values gender equity should be ensuring that women have a fair chance at joining unions. Unions are powerful tools working women have used to improve their pay and working conditions across the U.S. According to the National Women's Law Center, women in unionized workplaces make 21% more than their non-union counterparts and they experience a smaller gender pay gap. Unionized women also have better access to paid family leave, health insurance, and retirement benefits.

We ask for your support for SB0417.

Cynthia Rubenstein
WDC President

Dorothy Manevich
WDC Advancing Democracy Subcommittee

Kate Stein
WDC Advocacy Chair

SB417_MSEA_Cook_FAV.pdf
Uploaded by: Jessica Cook
Position: FAV

MARYLAND STATE EDUCATION ASSOCIATION

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marylandeducators.org

Favorable
Senate Bill 417
Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation
(Maryland Worker Freedom Act)

Finance Committee
February 18, 2026

Jessica Cook
Government Relations

The Maryland State Education Association supports Senate Bill 417. This legislation would prohibit employers from retaliating against employees or applicants who decline to attend meetings or receive communications concerning the employer's views on religious or political matters. It authorizes employees to file complaints for violations with the Commissioner of Labor and Industry.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools and community colleges, teaching and supporting our almost 900,000 K-12 students so they can pursue their dreams. MSEA represents more than 44 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Religious and political pressure in the workplace is a growing problem that affects workers from all walks of life and across the political spectrum. 12 states- Connecticut, Hawaii, Maine, Alaska, Oregon, Washington, California, New York, New Jersey, Illinois, and Vermont- have enacted laws intended to restrict or ban mandatory meetings on religious or political matters in the face of growing threats and intimidation. Seante Bill 417 aims to protect workers from coercion, intimidation, privacy infringement, misinformation, and punitive practices. This law will empower workers to opt out of unwelcome political and religion speech by protecting them from retaliation and financial harm.

We urge the committee to issue a Favorable Report on Senate Bill 417.

UFCW 400 Favorable Written Testimony for SB0417 -

Uploaded by: Kayla Mock

Position: FAV

UFCW Local 400 a VOICE for working America
United Food & Commercial Workers Union
A voice for working people in Maryland, Virginia, Washington, D.C., West Virginia, Ohio, Kentucky & Tennessee

Testimony in Support of SB0417

Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation

(Maryland Worker Freedom Act)

February 16, 2026

To: Honorable Chair Pamela Beidle, Vice Chair Antonio Hayes, and members of the Senate Finance Committee

From: Kayla Mock, Political & Legislative Director
United Food and Commercial Workers Union, Local 400

Chair Beidle and members of the Senate Finance Committee, I appreciate the chance to share my testimony on behalf of our over 10,000 members in Maryland, working in grocery, retail, food distribution, cannabis, and health care. Through collective bargaining, our members raise the workplace standards of wages, benefits, safety, and retirement for all workers. Union members are critical to addressing inequality and uplifting the middle class.

We strongly support SB0417 and urge you to vote it favorably.

According to an Economic Policy Institute article from December 2024 titled "Tackling the Problem of Captive Audience Meetings: How States are Stepping Up to Protect Workers Rights and Freedoms, "political and religious coercion in the workplace is a growing problem affecting workers from all backgrounds and across the political spectrum. U.S. employers have significant control over employee conduct under current federal laws. For example, employers can require workers to attend "captive audience" meetings and force them to listen to political, religious, or anti-union views from employers during *work time*.

Legislatures in 18 states have advanced anti-mandatory captive audience laws to ensure that workers retain the freedom to choose whether to attend political and religious meetings on the job site, and six states have enacted such laws.

A few things to note:

1. This does not ban employers from holding such meetings. An employer may still hold a meeting for employees on political and religious topics.

2. It gives the worker the right to say no to attending these meetings. In states without anti-mandatory-captive-audience laws, workers are required to listen to political and religious rhetoric without the option to decline.

3. All workers without a contract are at-will employees, meaning they can be fired at any time, for any reason. Workers fear retaliation, discipline, or even termination if they refuse to attend a captive-audience meeting.

4. The National Labor Relations Board recently issued a ruling banning captive audience meetings, citing forcing employees to attend these meetings under threat of discharge or discipline as interfering with an employee's free and fair right to organize or join a union, due to the meetings tending to coerce or intimidate employees against organizing. However, the Board made clear that an employer may lawfully hold meetings with workers to express their views on unionization so long as workers are provided reasonable advance notice of the subject of any such meeting, that attendance is voluntary with no adverse consequences for failure to attend, and that no attendance records of the meeting will be kept.

5. However, as we have already witnessed, the new Administration has indicated rolling back many of the protections for workers that have been enacted. They are systematically undermining the National Labor Relations Board and the power it has to enforce the free and fair choices for workers organizing or joining a union.

We appreciate Maryland's commitment to protecting its most vulnerable citizens. We believe those protections should be extended to workers to ensure they can exercise their freedoms in the workplace.

For all of these reasons and more, we urge a favorable report on SB0417.

2026 - SB 417 - Maryland Worker Freedom Act.pdf
Uploaded by: Ken Phelps Jr
Position: FAV

MEPPN
Maryland Episcopal Public Policy Network

TESTIMONY IN SUPPORT OF SB 417

Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)

FAVORABLE

TO: Senator Pamela Beidle, Chair; Senator Antonio Hayes, Vice-Chair and the members of the Senate Finance Committee

FROM: The Rev. Ken Phelps, Jr., member of the Maryland Episcopal Public Policy Network (MEPPN)

DATE: February 18, 2026

The Episcopal Church believes in the free practice of religion and "encourages all Episcopalians and all people of good will to ponder anew the horror of religious bigotry and rededicate themselves to purging from their own souls and society all traces of such racism and religious bigotry, including and especially anti-Semitism and Islamophobia." Episcopalians are called to remember, in prayer and action, that God creates all humankind equal, that God enlightens every human who enters the world – bidden or unbidden - and that God as Spirit goes where it wants, and not in accordance with divisions contrived by humans, and that racism and religious bigotry are utterly incompatible with belief in Christ -- a fact all Christians must each reflect in word and deed.

We also believe that freedom of religion is also freedom ***from*** religion. The same extends to the political ideologies. People are entitled to their own opinions – even bad ones – but not to the extent that they bring physical, emotional, economic or spiritual harm to another. This bill would give workers recourse when confronted by religious bias and bigotry or political intimidation in the workplace.

The Maryland Episcopal Public Policy Network requests a favorable report

2026 SB0417 FAV.pdf
Uploaded by: Mathew Goldstein
Position: FAV

https://docs.google.com/forms/d/e/1FAIpQLSfU0l1WSdNHoXUz2uYdtt4zf-ztmwuTz-rdKJ59WbJstj1YIw/viewform

February 18 2025

SB 0417- FAV

Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Protecting Workers From Captive Audience Meetings Act)

Dear Chair Senator Pamela Beidle, **Vice Chair** Antonio Hayes, and Members of the Finance Committee,

Twelve states, Alaska, California, Connecticut, Hawaii, Illinois, Maine, Minnesota, New Jersey, New York, Oregon, Vermont, and Washington have enacted laws designed to protect employees' dignity and freedom of thought and association by prohibiting employers from requiring employees to attend employer-sponsored meetings intended to communicate the employer's opinions on religious or political matter that are unrelated to job tasks or performance. Secular Maryland enthusiastically endorses this bill, which empowers workers to opt out of unwelcome political and religious speech by protecting them from financial harm or retaliation if they choose not to attend such meetings.

The 2010 Supreme Court decision Citizens United v. Federal Election Commission gave employers the green light to hold political captive audience meetings. In the absence of a collective bargaining agreement, most workers are considered "at-will" employees who can be terminated at any time. Employers can exercise vast authority over employees' lives, including their political activities or freedom of association.

Fortunately, states can legislate to protect workers from unwanted speech, as affirmed by the Supreme Court's 1988 ruling Frisby v. Schultz.

A 2015 study [Hertel-Fernandez, Alexander. (2016). How Employers Recruit Their Workers into Politics—And Why Political Scientists Should Care. Perspectives on Politics. 14. 410-421. 10.1017/S1537592716000098.] revealed how widespread political communication is in U.S. workplaces. One in four U.S. workers has been contacted by their employer regarding a political matter. Of these workers, 20% (representing 5% of all U.S. workers) received messages from their boss that included one or more threats of job loss, business closure, or changes to wages and hours. Under current federal labor and employment laws, it is perfidiously legal for an employer to threaten, discipline, or terminate an employee for objecting to their boss's political views.

Mathew Goldstein

3838 Early Glow Ln

Bowie, MD

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Written Testimony SB 417_ Maryland Worker Freedom
Uploaded by: Matthew Girardi
Position: FAV

Amalgamated Transit Union Local 689

2701 Whitney Place, Forestville, Maryland 20747-3457
Telephone: 301-568-6899 Facsimile: 301-568-0692
www.atulocal689.org

Statement of the Amalgamated Transit Union (ATU) Local 689

SB 417 - Maryland Worker Freedom Act
February 18th, 2026

TO: The Honorable Pamela Beidle and Members of the Finance Committee
FROM: Matthew Girardi, Political and Communications Director, ATU Local 689

ATU Local 689 strongly supports SB 417 and urges this Committee to issue a favorable report. This bill is a necessary measure to secure workers' rights and give power to working class people in Maryland.

At Local 689, we represent over 15,000 transit workers and retirees throughout the Washington DC Metro Area. performing many skilled transportation crafts for the Washington Metropolitan Area Transit Authority (WMATA), MetroAccess, DASH, and DC Streetcar among others. Our union helped turn low-wage, exploitative transit jobs into transit careers. We became an engine for the middle-class of this region.

Throughout our union's history, we have unfortunately had to fight tooth and nail to get fairness for our members. Be it a living wage, a secure retirement system, quality health insurance, or stable hours, Local 689 has been on the front lines of the fights to bring a decent quality of life to blue-collar workers. However, we know all too well that companies will play dirty tricks like using captive audience meetings to scare workers into supporting their agenda. This must stop.

SB 417, the Maryland Worker Freedom Act, is an incredible vehicle for us to do so. It would make sure that workers are not forced to attend these meetings where company political, religious, or labor relations views are forced on them and are able to leave without fear of reprisal. We know that democracy is not just a philosophy, it is an action. Workers who have their own beliefs, be them political, religious, or about whether to join with their coworkers to collectively bargain, should not be forced to sit idly by and accept those of their employers.

Sadly, the Union knows that this was all too common. In fact, according to a 2015 survey, one in four workers had been directly contacted by their employer on political matters. Of those, 20% had been directly threatened with changes to wages, hours, or even employment status[1]. Additionally, these forced meetings are used to coerce employees into voting against Unions. The NLRB found that captive audience meetings are used in response to 89% of unionization drivers and have had a profoundly chilling effect on the results of these efforts to unionize[2]. Likewise, these meetings can be used to target particularly vulnerable workers, including Black, brown, immigrant, disabled, young, and LGBTQ+ individuals.

While the federal government under the Biden administration made these meetings illegal, that ruling has already been reversed. It is incumbent on Maryland to not follow the lead of the Trump administration and, instead, ensures that these tactics never return to our state, no matter who sits in the White House.

At Local 689 we represent people from all backgrounds, religions, races, sexual orientations, and political

[1] Alexander Hertel-Fernandez, "How Employers Recruit Their Workers into Politics—and Why Political Scientists Should Care," *Perspectives on Politics* 14, no. 2 (June 2016): 410–21, https://doi.org/10.1017/s1537592716000098.
[2] *NO HOLDS BARRED: The Intensification of Employer Opposition to Organizing* (Washington, DC: Economic Policy Institute, 2009).

views. One shouldn't have to adhere to one political ideology or religion to work in transit. In fact, it is better that one does not. Serving the riding public means serving everyone who walks onto your van, shuttle, bus, or train. Workers should not be beholden to management's political, religious, or labor management views, because frankly, that is not their job. It is their job to move people, and should they decide to form a Union, they should be free to do so without coercion.

The Union thanks Senator Lam for introducing this worthy measure and urges the committee to issue a favorable report.

Testimony in support of SB0417 - Labor and Employm

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0417_RichardKaplowitz_FAV
02/18/2026
Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#0417 POSITION: FAVORABLE

Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)

TO: Chair Beidle, Vice Chair Hayes, and members of the Finance Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0417, **Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)**

This bill is being submitted to protect workers rights as determined in the [National Labor Relations Bureau] *NLRB Bans Mandatory 'Captive Audience' Meetings* guidance. [1]

> Mandatory employer meetings about companies' positions on unions violate the National Labor Relations Act (NLRA), the National Labor Relations Board (NLRB) ruled on Nov. 13…. The board articulated several reasons why mandatory "captive-audience" meetings were deemed to interfere with employees' rights under the act. First, the NLRB determined that such meetings interfere with an employee's right under the NLRA to freely decide whether, when, and how to participate in a debate concerning union representation. Second, captive-audience meetings provide a mechanism for an employer to unlawfully observe and surveil employees as it addresses the exercise of employees' NLRA rights, according to the NLRB. Third, the board determined that an employer's ability to compel attendance at such meetings on pain of discipline or discharge lends a coercive character to the message regarding unionization.

Religion-centered meetings by employers which require attendance are also forbidden. [2]

> Employers cannot force employees to attend religious events or meetings, as this violates Title VII of the Civil Rights Act of 1964, which requires reasonable accommodation for religious beliefs. Forcing participation constitutes religious discrimination and harassment

Actions being taken by the Federal Administration towards control of the NLRB and possible overturning of labor protections could reverse this decision.

[1] https://www.shrm.org/topics-tools/employment-law-compliance/nlrb-bans-mandatory--captive-audience--meetings
[2] Google AI Search "forced attendance at employer-sponsored religious events"

SB0417_RichardKaplowitz_FAV

The bill will prohibit employers and their agents, representatives, and designees from taking certain actions against an employee or applicant for employment because the employee or applicant takes certain actions regarding employer-sponsored meetings during which the employer communicates the opinion of the employer regarding religious matters or political matters; authorizing an employee to file a certain complaint with the Commissioner of Labor and Industry; etc.

I respectfully urge this committee to return a favorable report on SB#/0417.

SB 417 Captive Audience Support 2026.pdf
Uploaded by: Tom Clark
Position: FAV

International Brotherhood of Electrical Workers
CHRISTOPHER M. CASH: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President
WILLIAM T. NG: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • MARK F. PONTELLO: Treasurer

SB 417- Labor and Employment-Mandatory Meetings Religious or Political-Employee Attendance Senate Finance Committee 2/18/2026 SUPPORT

TO: Chair Beidle, Vice Chair Hayes, Members of the Finance Committee
FROM: Tom Clark, Political Director, Intl' Brotherhood of Electrical Workers Local 26

Madam Chair, Mr. Vice Chair, Members of the Committee, please join with me and workplace ethics in **support of SB 417.**

SB 417 is common sense legislation regarding the rights of people in the office or job site. Our country, unlike most others, has a separation of church and state. SB 417, takes the 1st amendment one step further and acknowledges a persons right while "on the clock". No individual should be held in a meeting during their work hours and be subject to the religious and political beliefs of their management.

I find it interesting that this hearing is taking place on Ash Wednesday. I ask that you look around the Finance Committee today for those who carry the mark of ashes on their forehead. A beginning of the Lenten season for some, but not all, and that's what makes this country great. Imagine a workplace manager requiring or just suggesting his or her employees receive ashes. Imagine that same manager requiring or suggesting their employees wear blue or red to favor a certain political party or idea. No, this has no place in Maryland or the United States. Even the thought of a captive audience meeting on a jobsite is un-American.

In the heated political world of 2026, this piece of legislation is needed. Let's leave religious beliefs to the church and the elections to the polling place. Let's keep the workplace to production and profits. For these reasons I ask that you **support SB 417.** Thank you

4371 Parliament Place, Lanham, MD 20706 • Office 301-459-2900 • Fax 301-459-2100
www.ibewlocal26.org

International Brotherhood of Electrical Workers

CHRISTOPHER M. CASH: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President
WILLIAM T. NG: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • MARK F. PONTELLO: Treasurer

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SB0417-FIN_MACo_SWA.pdf
Uploaded by: Karrington Anderson
Position: FWA

Senate Bill 417

Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)

MACo Position: **SUPPORT WITH AMENDMENTS**

To: Finance Committee

Date: February 18, 2026

From: Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 417 **WITH AMENDMENTS**. This bill prohibits an employer from disciplining, discharging, refusing to hire, or otherwise penalizing an employee or applicant who declines to attend, participate in, or listen to employer communications expressing opinions on religious or political matters.

MACo understands that the intent of SB 417 is to address mandatory workplace gatherings where employers present views on unionization, political issues, or religion. Counties respect employees' rights and are committed to maintaining workplaces that are professional, respectful, and compliant with existing labor and employment protections. However, counties seek amendments to clarify that SB 417 does not apply to state and local governmental entities.

Last year, similar legislation did not apply to public employers. While counties are not aware of widespread concerns within local government workplaces that this bill seeks to remedy, the language of SB 417 is sufficiently broad to raise significant operational and liability concerns for public employers. First, the bill's definition of "political matters" is expansive. It includes matters relating to elections, political parties, proposals to change legislation, regulations, or public policy. For counties, this could encompass discussions about pending county legislation, proposed charter amendments, budget priorities, or advocacy positions on state legislation that directly affect county operations.

Although the bill provides that a governmental unit may communicate information related to a policy of the employer or a law the employer is responsible for administering, it is unclear how the bill would apply when a county seeks to change a law, advocate for new legislation, or propose amendments. Under the bill's current language, an employee could potentially decline to attend meetings regarding proposed county legislation or policy changes, matters that may be integral to their job duties or departmental coordination.

Second, the term "employer-sponsored meeting" could be interpreted broadly. Without clarification, this could raise questions about whether routine staff meetings, briefings, or even informal workplace discussions fall within the scope of the prohibition. In particular, counties as public employers are

frequently the subject of pending legislation – and the language in SB 417 could create a virtually impossible barrier between proper and improper engagement on a county legislative consideration.

Finally, SB 417 establishes significant penalties for violations, including civil fines of up to $10,000 for an initial violation and $25,000 for subsequent violations, as well as potential back pay, attorney's fees, and other remedies. Given the bill's broad and vague terminology, these liability provisions create substantial risk for public employers and may invite litigation over routine workplace communications.

MACo supports the goal of protecting employees from being compelled to participate in ideological discussions unrelated to their work. However, absent clear exemptions or clarifications for governmental entities, SB 417 could create unintended consequences for counties, as public employers charged with implementing, administering, and at times advocating for public policy.

Accordingly, MACo respectfully requests that the Committee amend SB 417 to clearly exempt state and local governmental employers, or otherwise clarify its scope to avoid unintended consequences on routine governmental operations. For these reasons, MACo requests a **FAVORABLE WITH AMENDMENTS** report for SB 417.

SB417_MHLA_UNF.pdf
Uploaded by: Amy Rohrer
Position: UNF

MARYLAND HOTEL LODGING ASSOCIATION

410.974.4472
MDLodging.org
20 Ridgley Avenue, Ste. 309
Annapolis, MD 21401

SB 417 - Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)
Finance Committee
February 18, 2026
Position: UNFAVORABLE

*MHLA is the sole statewide organization dedicated to advocacy on behalf of Maryland's lodging industry. Our industry is a powerful economic engine - **765 hotels** support more than **115,000 jobs** statewide, generate **$7.2 billion in wages and salaries**, contribute **$2.4 billion in state and local tax revenue**, and drive **$10.6 billion in guest spending** that strengthens communities across Maryland.*

The Maryland Hotel Lodging Association (MHLA) respectfully submits this testimony in opposition to Senate Bill 417.

SB 417 would prohibit an employer from discharging, disciplining, threatening, or otherwise penalizing an employee—or refusing to hire an applicant—because the individual declines to attend or participate in an employer-sponsored meeting during which the employer communicates its opinion regarding "political matters" or "religious matters." While the bill does not prohibit employers from expressing their views or holding such meetings, it removes an employer's ability to require attendance at meetings that fall within these definitions.

MHLA has several concerns with the scope and implications of the bill as drafted.

The bill defines "political matters" to include proposals to change legislation, regulations, or public policy, as well as the decision to join or support a labor organization. **These terms are expansive.** "Public policy," in particular, is not defined and could encompass a wide range of issues affecting Maryland employers, including public health, workforce development, taxation, tourism promotion, and environmental regulations.

Because the bill applies whenever an employer communicates its "opinion" regarding such matters, employers may face uncertainty in determining whether a particular meeting falls within the statute. **This ambiguity creates litigation risk and may discourage employers from communicating with employees on important matters that directly affect their workplaces and industry.**

The definition of "political matters" expressly includes "the decision to join or support… a labor organization." As a result, the bill would apply during union organizing campaigns.
Under existing federal law, employers have the right to communicate their views regarding unionization, provided they do not threaten or coerce employees. **Mandatory meetings have historically been one mechanism through which employers ensure that employees receive information and hear the employer's perspective - without reprisal from coworkers - since everyone is required to attend**.

By prohibiting employers from taking action when employees decline to attend such meetings, SB 417 alters the practical balance established under federal labor law and may invite preemption challenges under the National Labor Relations Act. At a minimum, it creates uncertainty for employers operating in an area already governed by comprehensive federal regulation.

The bill authorizes complaints to the Commissioner of Labor and Industry, civil penalties of up to $25,000 for

subsequent violations, injunctive relief, reinstatement, back pay, compensatory damages, and attorney's fees. Given the breadth of the statutory definitions, employers may face significant exposure based on disputes over whether a meeting constituted communication of an "opinion" on a covered topic.

The combination of broad terminology and substantial remedies increases the risk of costly investigations and litigation, even where employers act in good faith.

Only a small number of states have enacted similar legislation, and active legal challenges are pending in jurisdictions such as California and Connecticut. The unsettled legal landscape further counsels caution before adopting similar provisions in Maryland.

For these reasons, MHLA respectfully requests an Unfavorable Report on Senate Bill 417.

For more information, please contact:
Amy Rohrer, President & CEO
Maryland Hotel Lodging Association
amy@MDLodging.org

AUC of Maryland_SB 417_UNFAV.pdf
Uploaded by: Andrew Griffin
Position: UNF

Whitney Beall
EXECUTIVE DIRECTOR

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AUC of MD est. 1950
Associated Utility Contractors of Maryland, Inc.

February 18, 2026

Legislative Position: Unfavorable
Senate Bill 417
Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation
Senate Finance Committee

Dear Chairwoman Beidle and members of the committee:

Established in 1950, the Associated Utility Contractors of Maryland, Inc. (AUC) is dedicated to advancing the utility contracting industry across the state. Our mission is to foster strong relationships between utility contractors and their clients, uphold the highest professional standards within the industry, and elevate the reputation of utility professionals within the business community. We actively advocate for public policies that address industry challenges and contribute to improving Maryland's overall business environment.

As introduced, SB 417 would, among other things, prohibit a Maryland employer from exercising its constitutional and statutory right to speak to its employees about "political issues," which the bill defines to include "the decision to join or support any labor union." As set forth in detail below, SB 417 presents significant constitutional, statutory, and economic concerns. AUC believes that this legislation places unconstitutional restrictions on employers' freedom of speech, its preemptive nature conflicts with federal labor laws, and the adverse effects on Maryland's business climate and economy are significant.

Constitutional Concerns

SB 417 directly violates the First and Fourteenth Amendments of the U.S. Constitution by impeding employers' rights to express their viewpoints on political matters, including issues related to labor and unionization. By regulating the content of employers communications with their employees, this legislation unlawfully restricts freedom of speech and inhibits employers from sharing vital information on matters of public concern. Moreover, the bill's broad and vague definitions of "political matters" introduce further constitutional concerns, as they fail to provide clear guidance to employers and may result in arbitrary enforcement. If enacted, this legislation would likely be subject to immediate legal challenges.

Whitney Beall
EXECUTIVE DIRECTOR

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By its express terms, SB 417 would regulate speech on "matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization." As "the legislature is constitutionally disqualified from dictating the subjects about which persons may speak and the speakers who may address a public issue," SB 417 violates Maryland employers' rights. See First Nat'l Bank of Boston v. Bellotti, 435 U.S. 765, 784-85 (1978).

Conflict with Federal Labor Laws

SB 417 is preempted by federal labor law, particularly Section 8(c) of the National Labor Relations Act (NLRA). This provision explicitly safeguards employers' rights to express their views on labor-related issues including politics and unionization, without fear of reprisal or penalty. The NLRA also safeguards the right to require employees to attend meetings or otherwise view communications about those issues. This legislation would create a new Article 3-718 under Maryland's Labor and Employment Code which would eviscerate these rights. SB 417's attempt to regulate employer speech directly contradicts the protections afforded by the NLRA and undermines the balance of labor relations established at the federal level. The NLRA comprehensively regulates labor matters throughout the United States. See San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959) (forbidding states to regulate activity that the NLRA protects, prohibits, or arguably protects or prohibits) ("Garmon preemption") & Machinists v. Wisconsin Employment Relations Comm'n, 427 U.S. 132, 140 (1976) (forbidding both the National Labor Relations Board (NLRB) and states from regulating conduct that Congress intended be left to be controlled by the free play of economic forces) ("Machinists preemption").

Anti-Competitive Impact

SB 417 denies employers their Constitutional right to speak about a range of important issues. The legislation sends a negative message to Maryland's business community. At a time when Governor Moore is pushing a "growth agenda" for Maryland's business climate in a season when state and local budgetary challenges are becoming impossible to ignore, telling Maryland's business community that they must now

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AUC of MD est. 1950
Associated Utility Contractors of Maryland, Inc.

litigate to protect their First Amendment rights sends a devastating message.

SB 417 poses a significant threat to Maryland's economic competitiveness and business climate. By depriving employers of their constitutional rights and introducing legal uncertainty, this bill creates a hostile environment for businesses, discouraging investment and hindering economic growth. Maryland's already sluggish economic performance will continue to decline if SB 417 is enacted, leading to business out-migration and diminished prospects for attracting new enterprises.

For these reasons, the Associated Utility Contractors of Maryland respectfully **requests an unfavorable report on SB 417**.

Sincerely,

The Associated Utility Contractors of Maryland (AUC)

HCCC_SB 417_UNFAV.pdf
Uploaded by: Andrew Griffin
Position: UNF

February 18, 2026

Legislative Position: Unfavorable
Senate Bill 417
Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation
Senate Finance Committee

Dear Chairwoman Beidle and members of the committee:

Founded in 1969, the Howard Chamber of Commerce is dedicated to helping businesses—from sole proprietors to large international firms—grow and succeed. With the power of 700 members that encompass more than 170,000 employees, the Howard County Chamber is an effective partner with elected officials and advocates for the interests of the county's business community.

As introduced, SB 417 would, among other things, prohibit a Maryland employer from exercising its constitutional and statutory right to speak to its employees about "political issues," which the bill defines to include "the decision to join or support any labor union." As set forth in detail below, SB 417 presents significant constitutional, statutory, and economic concerns. The Howard County Chamber believes that this legislation places unconstitutional restrictions on employers' freedom of speech, its preemptive nature conflicts with federal labor laws, and the adverse effects on Maryland's business climate and economy are significant.

Constitutional Concerns

SB 417 directly violates the First and Fourteenth Amendments of the U.S. Constitution by impeding employers' rights to express their viewpoints on political matters, including issues related to labor and unionization. By regulating the content of employers communications with their employees, this legislation unlawfully restricts freedom of speech and inhibits employers from sharing vital information on matters of public concern. Moreover, the bill's broad and vague definitions of "political matters" introduce further constitutional concerns, as they fail to provide clear guidance to employers and may result in arbitrary enforcement. If enacted, this legislation would likely be subject to immediate legal challenges.

By its express terms, SB 417 would regulate speech on "matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization." As ''the legislature is constitutionally disqualified from dictating the subjects about which persons may speak and the speakers who may address a public issue," SB 417 violates Maryland employers' rights. See First Nat'l Bank of Boston v. Bellotti, 435 U.S. 765, 784-85 (1978).

Conflict with Federal Labor Laws

SB 417 is preempted by federal labor law, particularly Section 8(c) of the National Labor Relations Act (NLRA). This provision explicitly safeguards employers' rights to express their views on labor-related issues including politics and unionization, without fear of reprisal or penalty. The NLRA also safeguards the right to require employees to attend meetings or otherwise view communications about those issues. This legislation would create a new Article 3-718 under Maryland's Labor and Employment Code which would eviscerate these rights. SB 417's attempt to regulate employer speech directly contradicts the protections afforded by the NLRA and undermines the balance of labor relations established at the federal level. The NLRA comprehensively regulates labor matters throughout the United States. See San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959) (forbidding states to regulate activity that the NLRA protects, prohibits, or arguably protects or prohibits) ("Garmon preemption") & Machinists v. Wisconsin Employment Relations Comm'n, 427 U.S. 132, 140 (1976) (forbidding both the National Labor Relations Board (NLRB) and states from regulating conduct that Congress intended be left to be controlled by the free play of economic forces) ("Machinists preemption").

Anti-Competitive Impact

SB 417 denies employers their Constitutional right to speak about a range of important issues. The legislation sends a negative message to Maryland's business community. At a time when Governor Moore is pushing a "growth agenda" for Maryland's business climate in a season when state and local budgetary challenges are becoming impossible to ignore, telling Maryland's business community that they must now litigate to protect their First Amendment rights sends a devastating message.

SB 417 poses a significant threat to Maryland's economic competitiveness and business climate. By depriving employers of their constitutional rights and introducing legal uncertainty, this bill creates a hostile environment for businesses, discouraging investment and hindering economic growth. Maryland's already sluggish economic performance will continue to decline if SB 417 is enacted, leading to business out-migration and diminished prospects for attracting new enterprises.

For these reasons, the Howard County Chamber of Commerce respectfully **requests an unfavorable report on SB 417**.

Sincerely,

Kristi Simon
President & CEO
Howard County Chamber of Commerce

SB 417 Business Free Speech Written.pdf
Uploaded by: cailey locklair
Position: UNF

SB 417 Labor and Employment - Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act)

House Economic Matters Committee

February 18, 2026

Position: Unfavorable

Summary: Prohibiting employers from taking certain adverse actions against an employee or applicant for employment because the employee or applicant declines to attend or participate in employer-sponsored meetings during which the employer communicates the opinion of the employer regarding religious matters or political matters.

Written Comments: We write to express strong opposition to the proposed laws that would restrict employers' ability to communicate with their employees on political and religious matters. These laws pose significant constitutional concerns and would have far-reaching consequences for employers' rights to free speech, the preemption of federal law, and the vagueness of their provisions.

Free Speech Concerns

At the heart of this issue is the First Amendment, which guarantees the rights of free speech and assembly. The proposed laws effectively chill employers' speech by regulating the content of their communications with employees. These laws discriminate against employers' viewpoints on political matters by limiting their ability to express their opinions freely. Employers should be allowed to engage in open and robust discussions with their employees, including on issues that may relate to politics or religion, without fear of reprisal or legal consequences. Restricting this fundamental right undermines the very principles of free speech that are foundational to our democracy.

Preemption by the National Labor Relations Act (NLRA)

These laws are preempted by the National Labor Relations Act (NLRA), which has long governed labor relations and safeguarded the rights of employers and employees. The NLRA comprehensively regulates labor relations and protects employers' rights to express their views on unionization to their employees. For decades, the NLRA has ensured that employers can communicate with employees about issues related to unionization and other matters that might affect the workplace. States do not have the authority to regulate in this area, as it would

conflict with the established framework of federal law. The proposed state laws would undermine the NLRA and create confusion for employers who must navigate conflicting state and federal regulations.

Vagueness and Uncertainty

One of the most troubling aspects of these laws is their vagueness, particularly regarding the definition of "political matters." The laws prohibit employers from disciplining or threatening to discipline employees who refuse to attend employer-sponsored meetings or hear opinions about political or religious topics. However, the laws fail to provide a clear definition of what constitutes "political matters." This ambiguity creates uncertainty for employers, who would have no way of knowing whether their communications might violate the law. Without clear guidance, employers are left exposed to liability for actions that they may not even realize are prohibited, making it impossible for them to reasonably comply with these laws.

Precedent Set by the U.S. Supreme Court

In 2008, the U.S. Supreme Court in *Chamber of Commerce v. Brown* reinforced the notion that the NLRA protects the First Amendment rights of employers. The Court recognized that the NLRA essentially "implements" the First Amendment by encouraging "free debate on issues dividing labor and management." The Court emphasized that Congress and the National Labor Relations Board (NLRB) have expressly fostered the use of written and spoken word in labor disputes. The idea is to allow "uninhibited, robust, and wide-open debate," which is critical to ensuring that both employers and employees can fully express their views. The proposed laws go against this precedent by curbing employers' ability to engage in such debate freely, which would undermine the protections afforded by the NLRA.

Conclusion

The proposed laws represent a significant overreach by the state and an infringement on the constitutional rights of employers. They are inconsistent with the protections granted under the First Amendment and the National Labor Relations Act. These laws also lack the clarity necessary to be reasonably enforceable, leading to confusion and potential legal risk for employers. We respectfully urge the committee to reconsider these measures and protect the fundamental rights of employers to communicate openly with their employees.

Thank you for your time and consideration of this important issue.

SB 0417 – Mandatory Meetings on Religious or Polit

Uploaded by: Danna Blum

Position: UNF

Carroll County CHAMBER of Commerce

January 30, 2026

Finance Committee
Senator Pamela Beidle
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 0417 – Mandatory Meetings on Religious or Political Matters - Employee Attendance and Participation (Maryland Worker Freedom Act) – **Oppose as Written**

Dear Senator Beidle:

SB 0417 would prohibit employers from requiring attendance at meetings regarding religious or political matters. This appears to include membership in labor organizations as "political".

While the Carroll County Chamber would agree that meetings on the subject of religious or truly political matters should not be foisted upon employees in a mandatory fashion, an employer *should* have a right to express its opinion about the benefits or drawbacks to employees of unionizing or not unionizing the workplace. In a matter that has such wide-ranging consequences for a business, it should be able to ensure that all employees hear its message.

The Carroll County Chamber of Commerce, a business advocacy organization of nearly 700 members, opposes this bill as written. We therefore request that you give this bill an unfavorable report, unless amended as noted above.

Sincerely,

Mike McMullin

Mike McMullin
President
Carroll County Chamber of Commerce

CC: Delegate Chris Tomlinson
Senator Justin Ready

MDCC_SB 417_Unfavorable.pdf
Uploaded by: Grason Wiggins
Position: UNF

MARYLAND
Chamber of Commerce

Senate Bill 417

Position: Unfavorable
Committee: Finance
Date: February 18, 2026

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

Senate Bill 417 (SB 417) would, among other things, prohibit a Maryland employer from exercising its constitutional and statutory right to speak to its employees about "political issues," which the bill defines to include "the decision to join or support any labor union." As set forth in detail below, SB 417 presents significant constitutional, statutory, and economic concerns. We believe that this legislation provides unconstitutional restrictions on employers' freedom of speech, its preemptive nature conflicting with federal labor laws, and its potential adverse effects on Maryland's business climate and economy.

Constitutional Concerns

SB 417 directly violates the First and Fourteenth Amendments of the U.S. Constitution by impeding employers' rights to express their viewpoints on political matters, including issues related to labor and unionization. By regulating the content of employer's communications with their employees, this legislation unlawfully restricts freedom of speech and inhibits employers from sharing vital information on matters of public concern. Moreover, the bill's broad and vague definitions of "political matters" introduce further constitutional concerns, as they fail to provide clear guidance to employers and may result in arbitrary enforcement. If enacted, this legislation would likely be subject to immediate legal challenges.

By its express terms, SB 417 would regulate speech on "matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization." Because "the legislature is constitutionally disqualified from dictating the subjects about which persons may speak and the speakers who may address a public issue," SB 576 violates Maryland employers' rights. See First Nat'l Bank of Boston v. Bellotti, 435 U.S. 765, 784-85 (1978).

Conflict with Federal Labor Laws

SB 417 is preempted by federal labor law, particularly Section 8(c) of the National Labor Relations Act (NLRA). This provision explicitly safeguards employers' rights to express their views on labor related issues including politics and unionization, without fear of reprisal or penalty. The NLRA also safeguards the right to require employees to attend meetings or otherwise view communications about those issues. This legislation would create a new Article 3-718 under Maryland's Labor and Employment Code which would eviscerate these rights. SB 576's attempt to regulate employer speech directly contradicts the protections afforded by the NLRA and undermines the balance of labor relations established at the federal level.

The NLRA comprehensively regulates labor matters throughout the United States. See San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959) (forbidding states to regulate activity that the NLRA protects, prohibits, or arguably protects or prohibits) ("Garmon preemption") & Machinists v. Wisconsin Employment Relations Comm'n, 427 U.S. 132, 140 (1976) (forbidding both the National Labor Relations Board (NLRB) and states from regulating conduct that Congress intended be left to be controlled by the free play of economic forces) ("Machinists preemption").

Anti-Competitive Impact

SB 417 denies employers their Constitutional right to speak about a range of important issues. The legislation sends a negative message to the business community. At a time when Governor Moore is trying to declare that Maryland is "Open for Business," in a season when state and local budgetary challenges are becoming impossible to ignore, telling Maryland's business community that they must now litigate to protect their First Amendment rights sends a devastating message. SB 417 poses a significant threat to Maryland's economic competitiveness and business climate. By depriving employers of their constitutional rights and introducing legal uncertainty, the bill creates a hostile environment for businesses, discouraging investment and hindering economic growth. Maryland's already sluggish economic performance will further decline if SB 417 is enacted, leading to business out-migration and diminished prospects for attracting new enterprises.

For these reasons, the Chamber respectfully requests an unfavorable report on SB 417.

SB417_RestaurantAssoc_Thompson_UNF.pdf
Uploaded by: Melvin Thompson
Position: UNF

Senate Bill 417

Labor and Employment - Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation

February 18, 2026

POSITION: **Oppose**

Madame Chair and Members of the Finance Committee:

The *Restaurant Association of Maryland* opposes Senate Bill 417.

We are concerned that the scope of this legislation goes far beyond discussion of typical religious or political matters. The bill's definition of "political matters" also broadly includes proposals to change legislation, regulations or public policy, and the decision to join or support a civic, community, fraternal, or labor organization. This legislation would prohibit employers from taking adverse action against employees for failing to attend mandatory staff meetings where opinions of the employer on these matters may be mentioned. Mandatory staff meetings may cover a broad range of issues. The reasons for this bill are unclear and the language is overly broad and vague.

Foodservice industry employers often have pre-shift or other staff meetings where a variety of issues may be discussed, including issues related to business operations or employment. During the COVID pandemic, for example, numerous public policy and regulatory issues were discussed during mandatory staff meetings and employer opinions on various issues were likely shared. Employers also sometimes discuss changes in policies that are necessary to comply with laws and regulations. The opinion of the employer regarding proposals to change legislation or regulations may sometimes be communicated during such mandatory meetings.

If there is a specific labor and employment-related issue that should be debated, then proposed legislation or amendments should be drafted to address that issue more narrowly. But the broad and vague nature of this legislation's restrictions seems unjustified.

For these reasons, we oppose this legislation and request an unfavorable report.

Sincerely,

Melvin R. Thompson
Senior Vice President

Restaurant Association of Maryland ■ 6301 Hillside Ct Columbia, MD 21046 ■ 410.290.6800 ■ FAX 410.290.6882

SB417_NFIB_unf (2026).pdf
Uploaded by: Mike O'Halloran
Position: UNF

NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – www.NFIB.com/Maryland

TO: Senate Finance Committee

FROM: NFIB – Maryland

DATE: February 18, 2026

RE: **OPPOSE SENATE BILL 417** – Labor and Employment – Mandatory Meetings on Religious or Political Matters – Employee Attendance and Participation

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland's small businesses, NFIB-Maryland opposes Senate Bill 417 – legislation prohibiting employers from communicating certain things to their employees.

This legislation, while claiming to protect free speech, would actually create constraints on the free speech rights of Maryland employers. The language in this bill prohibits employers from discussing legislation that could impact the operation of a small business, along with the job security of their workforce. This would include communicating how regulations will affect a small business and the workers' jobs.

Additionally, a similar piece of legislation adopted in Connecticut now faces a federal lawsuit. The plaintiffs argue that the law violates the guarantee of free speech and equal protection rights under the Constitution. The plaintiffs in the case also state that Connecticut's law conflicts with First Amendment and NLRA precedents regarding employer free speech rights. In 2008, a similar California law was challenged in *Chamber of Commerce of the U.S. v. Brown* and the Supreme Court struck down the law (7-2). The Court states it was preempted by federal law.

In June of 2023, a federal judge denied the state of Connecticut's motion to dismiss the challenge to the Connecticut law. A similar law in Minnesota has been recently challenged as well. Maryland should not consider advancing this legislation until the courts decide whether this proposal is even legal. The handful of states that passed this legislation (Maine and New York) are considering whether to follow Minnesota's and

Connecticut's lead and file legal challenges. Maryland should anticipate a similar legal challenge if House Bill 45 becomes law.

For these reasons **NFIB opposes SB417** and requests an unfavorable committee report.

Philip Miscimarra, Statement on Maryland SB 417 (2
Uploaded by: Philip Miscimarra
Position: UNF

Statement of
Philip A. Miscimarra
before the
Maryland General Assembly
Senate Finance Committee

Hearing on Maryland SB 417:
"Labor and Employment – Mandatory Meetings on Religious or Political Matters"

Legislative Position: Unfavorable (UNF)

February 18, 2026

Restricting Workplace Speech About Unions:
The Downside of State-Federal Conflict and Competition
and Infringing on First Amendment Rights in the Workplace

Chair Beidle, Vice Chair Hayes and Committee Members, it is an honor to be here.

I am a law partner at Morgan Lewis & Bockius LLP (1111 Pennsylvania Avenue NW, Washington DC 20004), and I previously served as Chairman, Acting Chairman and a Board Member on the National Labor Relations Board ("NLRB" or "Board").[1] I am also a Senior Fellow at the University of Pennsylvania's Wharton Business School in the Wharton Center for Human Resources, and I am a Maryland resident in Legislative District 16. I was asked to testify by the Maryland Retailers Alliance, but I am expressing my own views.[2]

I respectfully oppose SB 417 (and its companion, HB 45). My focus relates to the bill's penalties and restrictions on mandatory workplace meetings if an employer "communicates" any "opinion" about "the decision to join or support a . . . labor organization."[3] These aspects of SB 417 – though they may be well-intentioned – will produce three negative consequences.

First, the workplace meeting provisions in SB 417 – by restricting non-coercive employer speech about union issues – will inhibit the ability of employees to receive multiple viewpoints. The resulting state and federal competition will also impose enormous costs on employees, employers *and* unions by creating multiple-track litigation involving the Maryland Commissioner of Labor and Industry, the Maryland court system, federal labor law proceedings conducted by the National Labor Relations Board ("NLRB"), and appeals in the federal courts.

Second, if the workplace meeting provisions in SB 417 are enacted, I predict that inevitable court challenges will result in findings that the legislation is preempted by federal labor law – specifically, the National Labor Relations Act ("NLRA").

Third, I also predict that the courts will invalidate SB 417, if it becomes law, because its content- and speaker-based speech restrictions violate the First Amendment.

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[1] I was appointed to the NLRB by President Obama and most of my tenure as a Board Member occurred during the Obama administration, commencing in August 2013. My last year at the Board, ending in December 2017, occurred during the Trump administration.

[2] My views should not be attributed to Morgan Lewis & Bockius LLP or its clients, The Wharton School, the University of Pennsylvania, or any other persons or entities.

[3] SB 417, § 1, proposed Labor & Employment ("L&E") § 3-718(C) (restricting any mandatory "employer-sponsored meeting during which the employer communicates the opinion of the employer regarding . . . political matters"); proposed L&E § 3-718(A)(2)(iv) (defining "Political matters" as "matters relating to . . . the decision to join or support a . . . labor organization").

A. <u>Summary of Senate Bill 417</u>

SB 417 would create a new Section 3-718 within the Labor and Employment Article in the Maryland Code, making it unlawful for any employers who "discharge, discipline, or otherwise penalize or threaten to discharge, discipline, or otherwise penalize" any employee or who "fail or refuse to hire an applicant for employment," which occurs:

> . . . because the employee declines to attend, participate in, or listen to *communications from the employer, or the employer's agent, representative, or designee, in an employer-sponsored meeting during which the employer communicates the opinion of the employer regarding* religious or *political matters*; or
>
> . . . as a result of the applicant's refusal to attend or participate in *an employer-sponsored meeting during which the employer communicates the opinion of the employer regarding* religious matters or *political matters*.[4]

Significantly, SB 417 gives the phrase "political matters" a unique definition, which includes "matters relating to (i) elections for political office, (ii) political parties, (iii) proposals to change . . . legislation; . . . regulations; or . . . public policy; or (iv) the decision to join or support a political party or potential civic, community, fraternal, or labor organization."[5]

The procedural and damages provisions in SB 417 are complex. Alleged violations would be addressed in written complaints filed with the Commissioner of Labor and Industry within 180 days after any alleged violation. After an "investigation" and potential "mediation," the consequences of violations can result in (i) civil penalties up to $10,000 for an initial violation, (ii) civil penalties up to $25,000 for a subsequent violation, (iii) "cease and desist" orders, (iv) and "any other relief that the Commissioner determines is appropriate, including . . . injunctive relief; compensatory damages; [and] affirmative relief" such as"reinstatement," "back pay and interest amounts owed," "restoration of employee benefits, pension or retirement accrual, and other terms and conditions of employment for which the employee would have been eligible," and/or "reasonable attorney's fees and other costs." The bill further provides that the Commissioner may petition "any Circuit Court for any County seeking enforcement of an order" based on alleged violations. Finally, the bill would require all employers to post a "poster or notice" also given to "each new employee on hiring," describing the "rights established" under the bill, and the Commission must consider "failure to comply with the notice requirement" to be "an aggravating factor" when formulating remedies.

Several aspects of this legislation are very clear:

- Although the bill is framed as only prohibiting *adverse consequences* for employees who *refuse to* "attend, participate in, or listen to communications" during "an employer-sponsored meeting" that involve the "opinion of the employer" about union matters (i.e., "the decision to join or support a labor organization"), the predictable consequence of the bill would be (i) to prevent or eliminate workplace meetings where employers express any "opinion" about union issues, and/or (ii) to single out – for severe penalties – only those meetings where employers communicate an "opinion" about union matters.

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[4] SB 417, § 1, proposed L&E §§ 3-718(C)(1), (2) (emphasis added).

[5] *Id.*, § 1, proposed L&E § 3-718(A)(2) (emphasis added).

- Although the bill states that employers can conduct "voluntary" workplace meetings regarding union matters, the enormous variety of *mandatory* workplace meetings – which address all kinds of important subjects including safety, business requirements, schedules, job duties, compensation, benefits, discipline, and employee questions– will prevent this exception from having wide application. And – as the price for communicating any opinion about unions – the bill creates a right for employees to engage in a mass exodus with no limits on how long employees will be gone, when they must return, where they should go instead of attending the meeting, and what happens if they return late or don't return at all. In most cases, the most practical employer option is to communicate nothing about unions. Indeed, SB 417 imposes the same severe penalties if employers in workplace meetings state express *support* for union representation.

- SB 417 will result in time-consuming and expensive administrative investigations and court litigation – involving employees, unions and employers – that will be necessary to resolve many challenging questions such as:

  – what constitutes a "*meeting*" and what qualifies as an "*employer-sponsored*" meeting versus countless other one-on-one and group discussions that always occur in the workplace;

  – what qualifies as an "*opinion of the employer*" versus the lawful expressing of *personal opinions*, or *facts* about particular unions, or *examples* where unions have either benefited employees or caused workplace conflict, costs, uncertainty and instability;

  – what must occur for attendance or participation to be "*voluntary*";

  – when would "injunctive relief" be ordered by Maryland state courts based on Commissioner petitions by the Commissioner;

  – what *monetary penalties* are (and are not) warranted in specific situations (which, under SB 417, range up to $10,000 for an "initial violation," and up to $25,000 for a "subsequent violation"):

  – what amounts of "*back pay*" are (and are not) warranted, which would require evidence and documentation regarding interim earnings, whether claimants exercised diligence in seeking reemployment elsewhere, and related issues;

  – what is necessary to support awards of "*compensatory damages*" (i.e., monetary awards addressing matters other than back pay);

  – what considerations do (and do not) constitute "*aggravating*" factors affecting damages (including questions regarding whether and when the employer complied with SB 417's required notice-posting; and

  – what issues will be relitigated when Commissioner orders become the subject of *enforcement actions* filed in the Maryland Circuit Courts, and appeals to the Maryland Appellate Court and, potentially, the Maryland Supreme Court.[6]

[6] On its face, SB 417 appears to contemplate substantial Commissioner investigations and related actions including: (i) state courts proceedings in which the Commissioner may seek "injunctive relief," (ii) whether particular meetings actually involved expressing an "opinion of the employer" regarding an employee's

B. Reasons that SB 417's Restrictions on Workplace Meetings Should Not Be Enacted

Three considerations warrant an unfavorable report on SB 417. The first involves the downside of preventing employees from receiving multiple viewpoints regarding union issues, and substantial costs, delays and confusion that will result from creating competition and new "multiple-track" legal proceedings involving the Maryland Commissioner of Labor and Industry, *and* the Maryland court system, in addition to the NLRB, *and* the federal courts. The second and third considerations involve court challenges that will cause the workplace speech restrictions to be invalidated based on (i) court findings that the bill is preempted by the federal National Labor Relations Act ("NLRA"); and (ii) court findings that the speech restrictions infringe on employer First Amendment free speech rights.

1. SB 417 Will Inhibit the Free Exchange of Union-Related Information, and Create Multiple-Track Litigation Causing Hardship for Employees, Employers and Unions

The workplace meeting provisions in SB 417 – by restricting non-coercive employer speech about union issues – will inhibit the ability of employees to receive multiple viewpoints regarding union issues. Under federal law, employees have the right to decide for themselves – usually by voting in NLRB secret ballot elections – whether employees will have union representation.

One of the country's most passionate union and employee advocates – former President John F. Kennedy – spent six years in the U.S. House of Representatives, and seven years in the U.S. Senate. During his freshman year in the House, President Kennedy supported the right of "*employers*" to have "the *same rights of freedom of expression*" that were protected by the First Amendment.[7] And as a Senator, President Kennedy emphasized the importance of union election campaigns where "*both parties* can present their viewpoints,"[8] which he described as a necessary "*safeguard* against *rushing employees into an election where they are unfamiliar with the issues*."[9]

The U.S. Supreme Court has likewise emphasized the importance of free speech regarding union issues. In *Chamber of Commerce v. Brown*,[10] the Court held that, in the NLRA, Congress

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"decision to join or support" a union, (iii) what monetary penalties are warranted for any claimed violation (ranging up to $10,000 for an "initial violation," and up to $25,000 for a "subsequent violation"), (iv) what evidence is needed to support awards of "back pay" (which typically require documentation regarding interim earnings, whether claimants exercised diligence in seeking reemployment elsewhere, and related issues), (v) findings needed to support awards of "compensatory damages" (i.e., monetary awards addressing matters other than back pay), (vi) the evaluation of circumstances that can reasonably be deemed "aggravating" factors (including or separate from notice issues) affecting damages, and (vii) and order enforcement proceedings in Maryland Circuit Courts, among other things.

[7] H.R. Rep. 80-245, 80th Cong., 1st Sess. at 113-114 (1947), *reprinted in* 1 NLRB, Legislative History of the Labor Management Relations Act, 1947 ("Legis. Hist.") 404-405 (1947) (Supplemental Minority Report by Hon. John F. Kennedy) (emphasis added).

[8] 105 Cong. Rec. 5770 (1959) (emphasis added), *reprinted in* 2 NLRB, Legislative History of the Labor-Management Reporting and Disclosure Act ("LMRDA Hist.") 1085 (statement of Sen. Kennedy).

[9] 105 Cong. Rec. 5361 (1959) (emphasis added), *reprinted in* 2 LMRDA Hist. 1024 (statement of Sen. Kennedy) (advocating NLRB secret ballot elections, with at least 30 days between petition-filing and the election, as a "safeguard against rushing employees into an election where they are unfamiliar with the issues").

[10] 554 U.S. 60 (2008).

intended "to encourage free debate on issues dividing labor and management" based on a "policy judgment, which suffuses the NLRA as a whole, 'favoring uninhibited, robust, and wide-open debate in labor disputes,' stressing that 'freewheeling use of the written and spoken word . . . has been expressly fostered by Congress and approved by the NLRB.'"[11] And in *NLRB v. Gissel Packing Co.*,[12] the Court stated that "an employer is free to communicate to his employees any of his general views about unionism or any of his specific views about a particular union, so long as the communications do not contain a 'threat of reprisal or force or promise of benefit.'"[13]

The importance of free speech regarding union issues – emphasized by former President Kennedy, Congress and the Supreme Court – is directly contrary to the meeting restrictions in SB 417 And the predictable impact of SB 417 would be to prevent employees from obtaining information from employers who are most knowledgeable about the business where employees work.

Additionally, the workplace speech restrictions in SB 417 will create conflicts between Maryland law and federal law, and confusing "multiple-track" litigation involving the Maryland Commissioner of Labor and Industry, *and* the Maryland court system, *and* federal labor law proceedings conducted by the National Labor Relations Board ("NLRB"), *and* appeals in the federal courts.

Although SA 417 is intended to create more "rights" for employees, the "rights" created by SA 417 are unlikely to materialize, or they will be outweighed by greater costs and burdensome delays resulting having union-related workplace issues being treated differently by Maryland law, federal labor law, the Maryland Commissioner of Labor and Industry, and in state and federal courts.

2. <u>SB 417 is Preempted by Federal Labor Law</u>

A second consideration that warrants an unfavorable report on SB 417 involves court challenges that result in findings that the legislation is preempted by federal labor law – specifically, the National Labor Relations Act.

The U.S. Supreme Court has held that, when a State purports to regulate activities that are "*protected*" by the NLRA or constitute an "unfair labor practice" *violating* the NLRA, "due regard for the federal enactment requires that state jurisdiction must yield."[14] The Court reasoned: "When an activity is arguably subject to . . . the [NLRA's protection or prohibitions], the States . . . must defer to the exclusive competence of the National Labor Relations Board. . . ."[15]

Additionally, even when particular conduct is not protected or prohibited by the NLRA, the Supreme Court has held that state laws are preempted of they restrict or penalize actions "that Congress *meant to leave . . . unregulated and to be controlled by the free play of economic forces*."[16]

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[11] *Id*. at 67-68 (emphasis added; citations omitted).

[12] 395 U.S. 575 (1969).

[13] *Id*. at 618.

[14] *San Diego Building Trades Council v. Garmon ("Garmon")*, 359 U.S. 236, 244 (1959) (emphasis added).

[15] *Id*. at 245 (emphasis added).

[16] *Lodge 76, International Ass'n of Machinists v. Wisconsin Employment Relations Commission ("Machinists")*, 427 U.S. 132, 144 (1976) (citation omitted; emphasis added).

Both of these standards support a finding that the workplace speech restrictions in SB 417 are preempted by the NLRA for several reasons:

- If workplace meetings involve an employer's communication of *coercive* threats or improper promises related to union issues, this violates NLRA Section 8(a)(1), which makes it *unlawful* for an employer "to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed" by the NLRA.[17]

- If workplace meetings involve *noncoercive* employer opinions regarding unions issues, the NLRA explicitly *protects* these employer statements in Section 8(c), which states: "The expressing of *any views, argument, or opinion*, or the dissemination thereof, whether in written, printed, graphic, or visual form, *shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act*, if such expression contains no threat of reprisal or force or promise of benefit.[18]

- In 1948, based on the enactment of NLRA Section 8(c) in 1947, the NLRB held that expressing employer opinions about union issues during mandatory workplace meetings is *affirmatively protected* by NLRA Section 8(c).[19] Conversely, in November 2024, a divided NLRB held that expressing employer opinions about union issues during mandatory workplace meetings violates NLRA Section 8(a)(1).[20]

Regardless of which NLRB interpretation is correct,[21] the speech restrictions in SB 417 are preempted by the NLRA, based on the Supreme Court holding that the States cannot regulate activities that are *either* "protected" *or* prohibited (*i.e.*, an "unfair labor practice") by the NLRA.[22]

Indeed, in *California Chamber of Commerce v. Bonta*,[23] the District Court for the Eastern District of California issued an injunction against a California law – which imposed workplace meeting

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[17] 29 U.S.C. § 158(a)(1).

[18] *Id*. § 158(c) (emphasis added).

[19] *Babcock & Wilcox Co*., 77 NLRB 577, 578 (1948) (finding that the "compulsory audience" aspect of mandatory meetings that employees are "compelled . . . to attend" is "no longer . . . a basis for finding unfair labor practices" because of "the language of Section 8(c) of the amended [NLRA] and its legislative history"). Section 8(c) was added to the NLRA as part of 1947 amendments that repudiated an earlier NLRB decision in *Clark Bros. Co*., 70 NLRB 802, 805 (1946), *enforced*, 163 F.2d 373 (2d Cir. 1947) (where the Board found that it violated the NLRA to express an employer's opinion regarding union issues in mandatory meetings). The Board overruled *Babcock & Wilcox* in *Amazon.com Services LLC*, 373 NLRB No. 136 (Nov. 13, 2024), *appeal pending*, No. 24-13819 (11th Cir.).

[20] *Amazon.com Services LLC*, 373 NLRB No. 136 (Nov. 13, 2024), *appeal pending*, No. 24-13819 (11th Cir.).

[21] The Board's *Amazon* ruling – which has been appealed to the Court of Appeals for the Eleventh Circuit – is contradicted by the plain language in NLRA Section 8(d) and Section 8(d)'s extensive legislative history and numerous Supreme Court and courts of appeals decisions, summarized in my testimony before the U.S. House of Representatives, Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor and Pensions, Hearing on Protecting Employees' Rights: Ensuring Fair Elections at the NLRB, at 4-12 (May 23, 2023) (available here).

[22] *Garmon*, 359 U.S. at 244. SB 417's workplace speech restrictions would likewise be preempted based on *Machinists*, 427 U.S. at 144, where the Supreme Court held state laws are preempted if they restrict or penalize actions "that Congress *meant to leave . . . unregulated and to be controlled by the free play of economic forces*."

[23] 802 F. Supp. 3d 1227 (E.D. Cal. 2025), *appeal pending*, No. 25-6874 (9th Cir.).

restrictions that were nearly the same as SB 417[24] – and the Court concluded it was likely that the California law was preempted by the NLRA.[25]

3. SB 417's Workplace Speech Restrictions Violate the First Amendment

The third consideration that warrants that warrants an unfavorable report on SB 417 involves court challenges resulting in findings that SB 417's workplace meeting provisions are unconstitutional infringements on employer First Amendment free speech rights.

The Supreme Court has repeatedly held that employer speech about union issues has First Amendment protection. In *NLRB v. Virginia Electric & Power Co.*,[26] the Supreme Court recognized that employers have a First Amendment right to "take any side it may choose" regarding union issues. In *Thomas v. Collins*,[27] the Supreme Court stated that "employers' attempts to persuade to action with respect to joining or not joining unions are within the First Amendment's guaranty." In *Chamber of Commerce v. Brown*,[28] the Supreme Court indicated that NLRA Section 8(c), among other things, "implements the First Amendment."[29] And in *NLRB v. Gissel Packing Co.*, 395 U.S. 575, 618 (1969), the Supreme Court held that "an employer's free speech right *to communicate his views to his employees is firmly established* and *cannot be infringed. . . .*"[30]

The workplace speech restrictions in SB 417 violate the First Amendment because they discriminate based on content, viewpoint, and the type of speakers (employers), and the restrictions clearly are not narrowly tailored to advance a "compelling interest."[31]

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[24] The California speech restrictions, similar to Maryland SB 417, defined "political matters" as "matters relating to . . . the decision to join or support any . . . labor organization," and make it unlawful for an employer to "subject, or threaten to subject, an employee to *discharge, discrimination, retaliation, or any other adverse action* because the employee *declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive, or listen to any communications with the employer* or its agents or representatives, the purpose of which is to communicate *the employer's opinion about* religious or *political matters*." California Labor Code § 1137(c) (emphasis added).

[25] 802 F. Supp. 3d at 1248-1254.

[26] 314 U.S. 469, 477-79 (1941)

[27] 323 U.S. 516, 537-38 (1945) (emphasis added; footnotes and citations omitted).

[28] 554 U.S. 60 (2008).

[29] *Id.* at 67.

[30] *Gissel*, 395 U.S. at 617 (emphasis added) (referring to NLRA Section 8(c)).

[31] Each of the deficits referenced in the text would render unconstitutional the speech restrictions imposed by SB 417. *See, e.g., Reed v. Town of Gilbert,* 576 U.S. 155, 169 (2015) (holding that "regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter"); *Turner Broadcasting Sys., Inc. v. FCC,* 512 U.S. 622, 658 (1995) ("[L]aws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference"); *Consolidated Edison Co. of N.Y. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 530, 537 (1980) ("The First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic."); *Citizens United v. Federal Election Comm'n*, 558 U.S. 310, 340 (2010) (restrictions on speech must be "narrowly tailored" to achieve a "compelling interest"); *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2430 (2022) ("[L]earning how to tolerate speech … of all kinds is part of learning how to live in a pluralistic society," even if "some will take offense to certain forms of speech … they are sure to encounter in a society where those activities enjoy such robust constitutional protection."); *Tinker v. Des Moines*

Here as well, it is relevant that the very similar California workplace speech restrictions were blocked by an injunction issued in *California Chamber of Commerce v. Bonta*,[32] where the court stated that it infringed on the First Amendment to "prohibit an employer from taking an adverse action against an employee . . . *based solely on the type of speech* in which an employer engaged. And more than that, the inquiry would focus on whether the speech was related to *certain* political or religious matters."[33]

Additionally, just last Friday, a Connecticut federal court issued a decision addressing similar workplace speech restrictions enacted by Connecticut, and the court expressed agreement with the California court's indication that these types of speech restrictions infringe on the First Amendment.[34]

C. Conclusion

Again, I appreciate the opportunity to appear today, and I look forward to answering any questions.

PHILIP A. MISCIMARRA

Ind. Comm. Sch. Dist., 393 U.S. 503, 509 (1969) (government has no compelling interest in "avoid[ing] the discomfort and unpleasantness that always accompany an unpopular viewpoint").

[32] 802 F.Supp.3d 1227 (E.D. Cal. 2025), *appeal pending*, No. 25-6874 (9th Cir.).

[33] *Id*. at 1256.

[34] *Chamber of Commerce of the United States v. Bartolomeo*, __ F. Supp. 3d __, 2026 WL 412515 (D. Conn. Feb. 13, 2026). In *Bartolomeo*, the court found that no standing existed as to the Connecticut Business and Industry Association ("CBIA"), because a Department of Labor official stated that the Department would not enforce the workplace speech restrictions against the CBIA. 2026 WL 412515, at *6-*8. However, the *Bartolomeo* court indicated that it regarded the California court's reasoning in *Bonta* – finding that California's similar restrictions violated the First Amendment – was "both thorough and well-reasoned." *Id*. at *8 n.12.