



**Testimony for the House Government, Labor and Elections
Committee**

March 5, 2026

**HB 1356 – Labor and Employment – Civic and Related
Activities – Protection (Maryland Employee Civic Activity and
Lawful Expression Protection Act)**

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The ACLU of Maryland urges a favorable report on HB 1356, which supports the freedom to lawfully engage in, or disengage from, political expression without the fear of workplace retaliation. As existing protections are limited, varied, and often unclear, this bill is an important step toward affirming employee rights under state law.

Throughout the near-century of work by the ACLU to protect civil liberties, securing the right to free speech and expressive activity has predominated our mission. While the ability to freely participate in political activity is the foundation of democracy, it is continuously subject to threats levied by those pushing broad conformity to certain political ideologies. As the current administration continues to enthusiastically engage in brazen retaliation against critics and anyone else unwilling to fall in line,¹ there is an abundant need for clear guardrails against unwarranted limitations on free speech.

In Maryland, adverse actions solely driven by political beliefs continue to directly imperil the livelihoods of those working in our communities. This includes many who have contacted us directly seeking support after being fired or disciplined for lawful expression unrelated to their jobs and done in their free time, such as a teacher subject to discipline following a social media post that clearly read as tame sarcasm and was made on a personal account.

Especially as increasing levels of anti-immigrant rhetoric work to heighten the politicization of basic human rights, leaving such retaliation unaddressed erodes both the fundamentals of free speech in

¹<https://www.aclu.org/news/free-speech/protecting-free-speech-in-the-face-of-government-retaliation>.

Maryland, and the ability to freely support those subject to politically-motivated harm.

State-based protections from this terrifying reality are needed for all employees, including private employees who are generally employed at-will and can thus be fired for any reason at anytime except a few limited circumstances. However, under HB 1356, only public employees would be protected, as well as an additional subset of workers who may be covered under a vague provision that includes “a person that acts directly or indirectly in the interest of another employer with an employee” within the definition of an employer. In addition to the benefit of improving this definition with clarifying language, future efforts are needed to ensure private employees can likewise enjoy these needed protections.

However, as a first step, HB1356 provides helpful language to ensure the protection of public employees amid varying applications of existing rights provided by the First Amendment. While the US Supreme Court confirmed in *Pickering v. Board of Education*, 391 U.S. 563 (1968) that, in general, public employees cannot be fired for speaking on issues of public concern as private individuals, the ACLU is currently engaged in a legal fight over what this means and how far this protection extends.²

With this lack of clarity, the ACLU of Maryland urges a favorable report on HB 1356 to help better protect the basic freedoms of many working in our local communities.

² <https://www.riaclu.org/news/aclu-files-court-brief-in-public-employee-free-speech-case-arguing-that-disparaging-speech-is-not-entitled-to-less-protection/>