

Meghaan Madriz in HR Magazine on Cyclist's Firing for Lewd Gesture

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By now the image of the cyclist flipping off the president has long since gone viral, *HR Magazine* [reported](#). But the question remains: Was firing her too harsh when a colleague of hers who criticized a Black Lives Matter supporter in a lewd posting wasn't terminated? ...

Juli Briskman made news last month after a post on social media showed her flipping off President Donald Trump while she was riding a bike in northern Virginia and he passed in a motorcade. On Halloween, she told her employer, Akima in Herndon, Va., that she was the one giving the president the middle finger. Akima fired her, *The Washington Post* reported Nov. 6.

But this past summer, as part of her duties of monitoring Akima's social media presence, she reportedly found a public comment on Facebook by a senior director at the company in a discussion with one of his employees about Black Lives Matter. "You're a f----- Libtard a-----," the director said, using a profile that identified him as an employee of the firm. Briskman alerted senior management to the exchange.

Did her colleague get discharged? As the Post put it, "Nope. He cleaned up the comment, spit-shined his public profile and kept on trucking at work." ...

Meghaan Madriz, an attorney with Haynes Boone in Houston, thought Akima had legitimate grounds for terminating Briskman. The employee's actions were more egregious than her colleague's because they potentially hurt the company's bottom line, Madriz emphasized. "As a government contractor, it is at the mercy of the government for funding and business," she said, noting it would "want to distance itself from those who show distaste for the current president."

Madriz cautioned that in some states there may be local protections against discharging someone for political affiliation or activity. "For example, in California, Colorado, New York and Louisiana, it's illegal to retaliate [against employees] for off-duty participation in politics or political campaigns. It could be that her activity could fit within one of those states' laws" were she in those jurisdictions.

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Excerpted from *HR Magazine*. To read the full article, click [here](#).