
MARYLAND DEPARTMENT OF LABOR TESTIMONY ON HOUSE BILL 1543

TO: Members of the Government, Labor, and Elections Committee
FROM: Maryland Department of Labor (MD Labor)
DATE: March 5, 2026
BILL: Labor and Employment - Temporary Workers

LETTER OF CONCERN

HB1543 establishes the Temporary Worker Oversight Unit (“Unit”) in the Maryland Department of Labor (MD Labor). The Unit would be responsible for overseeing and enforcing temporary employee rights as defined in the bill.

The bill as drafted is duplicative of current federally-funded MD Labor duties and would cost the Department an additional \$531,663 in State funds in FY27 alone, for which no resources are available. MD Labor’s Office of Workforce Development (OWD) houses the Foreign Labor Certification (FLC) Unit, which assists employers and potential employees with Foreign Labor Certificates, such as H-2A guest worker visas, and provides resources for worker safety and wage complaints. FLC staff are *only* permitted to work on federally-funded activities, which include inspecting H-2A housing, conducting outreach, providing resources, and educating workers about complaint processes available to them.

MD Labor’s specific concerns with HB1543 are outlined below:

FLC Unit

The provisions outlined in HB1543 are duplicative of the work and qualifications provided by the FLC Unit. The FLC Unit, comprised of federally-funded employees within OWD, assists employers and potential employees with Foreign Labor Certificates, including H-2A guest worker visas. In addition, the FLC Unit oversees migrant and seasonal farmworker (MSFW) activities, including employer-owned housing inspections and providing resources for employee safety and wage complaints.

Unintentional Restriction on Migrants

The bill states several kinds of representatives whom a temporary worker may allow to enter employer-provided housing. However, enumerating this list could unintentionally *limit* the individuals a temporary worker can invite into their home, and may unintentionally *prohibit* them from inviting fellow workers, family, or friends into their employer-provided housing.

Conflict with Federal Regulations

In [20 CFR 655.135\(n\)](#), federal language explicitly states that workers must be allowed to invite guests to their living quarters and common areas, subject to reasonable restrictions that protect worker safety. HB1543 suggests that an employer may not impose *any* restrictions on the ability of a temporary worker to invite a service provider into the employer-provided housing, which is in direct conflict with the reasonable safety restrictions outlined in federal regulations.

Complaint Filing

The bill mandates that temporary workers be allowed to file complaints with the Unit regarding violations. The Foreign Labor Certification Unit within OWD *already* receives complaints from temporary

workers, making this portion of the bill duplicative of current practice. This may create confusion for temporary workers and may also create operational concerns for staff.

Additionally, the bill requires that MD Labor, on request, provide qualified Spanish interpretation services to temporary workers for interviews, investigations, and complaint proceedings. MD Labor acknowledges and appreciates the need for language access.

The Department has ensured that all current FLC staff have all communication materials available to temporary workers in both Spanish and English, and would ensure the new Unit would also have all materials translated as needed. However, providing live translation/interpretation services, while an important barrier-removal service, would come with a significant cost that the Department does not currently have the funds for. Furthermore, this provision would not assist migrant workers who speak languages **other than** English or Spanish.

Surety Bonds

HB 1543 requires that employers that recruit temporary workers register with MD Labor annually and post a surety bond with the Department for not less than \$10,000. Managing surety bonds is significantly outside of the scope of MD Labor's current activities, and the Department is unsure how these funds would be handled.

Additionally, employers *already* post surety bonds with the United States Department of Labor of between \$5,000 and \$75,000, creating a potential duplicative system with the federal government and imposing an additional fiscal cost on businesses.

Penalty Imposition

HB1543 states that, if the Department determines an employer has violated the title, MD Labor may impose a civil penalty not to exceed \$10,000. The bill does not state where these penalties should go if collected; therefore, MD Labor is unclear where these funds would reside *and* if they would offset any of the costs associated with the new Unit.

Data Collection and Reporting

The Unit is required to collect data regarding the implementation of the title, as well as report annually to the General Assembly on the data collected. These reports would fall outside the current scope of federal reporting required for the current FLC Unit, which would impose a significant administrative and fiscal burden on MD Labor.

MD Labor encourages conversations about how to protect *all* of Maryland's workers and respectfully requests the Committee consider these concerns as they evaluate HB1543. For questions, please contact Andrew Fulginiti at Andrew.Fulginiti@maryland.gov.