

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1108

(Delegate Stewart, *et al.*)

Government, Labor, and Elections

Finance

Labor and Employment - Greenhouse Workers - Collective Bargaining and Heat Protection

This bill establishes collective bargaining rights to greenhouse employees (employees in a controlled-environment agricultural operation whose job duties require working in a greenhouse or other enclosed structure where temperature and environmental conditions are artificially regulated). The Public Employee Relations Board (PERB) must adopt regulations and may investigate and enforce an alleged violation. Additionally, each employer who operates a controlled-environment agricultural operation must provide employees with paid rest breaks of at least five minutes for each hour that the heat index inside a controlled-environment agricultural operation reaches and maintains at least 90 degrees Fahrenheit.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: Local governments are not materially impacted. To the extent local governments operate greenhouses, they must provide employees with a five-minute break every hour while working inside a greenhouse with a temperature of at least 90 degrees Fahrenheit.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Collective Bargaining for Greenhouse Employees

For collective bargaining under the bill, a greenhouse employee does not include an individual whose job duties exclusively involve retail services. Collective bargaining must include all matters relating to wages, hours, and other terms and conditions of employment. The employer and the employee organization certified as the exclusive representative of greenhouse employees must meet at reasonable times, engage in collective bargaining in good faith, make reasonable efforts to conclude negotiations with a final written agreement, and reduce to writing all matters agreed on from negotiations. An employer may not interfere with, intimidate, restrain, or coerce an employee for exercising collective bargaining rights under the bill. PERB is responsible for administering and enforcing collective bargaining for greenhouse workers, but may not assess a monetary penalty when enforcing a violation relating to collective bargaining of greenhouse workers.

Rest Breaks for Greenhouse Workers

A rest period provided in accordance with the bill must be compensated as working time at the employee's regular pay rate unless the break coincides with an otherwise unpaid meal period. The rest break may be provided concurrently with any other rest break required under any other federal or State law. If a requirement established under the bill conflicts with a requirement established by the Commissioner of Labor and Industry under regulations for heat-stress, the requirement providing greater protections to an employee prevails.

Current Law: It is the policy of the State that negotiation of terms and conditions of employment should result from a voluntary agreement between employees and the employer and, thus, each individual worker must be fully free to associate, organize, and designate a representative for negotiation of terms and conditions of employment. This process must be free from coercion, interference, or restraint by an employer in (1) designation of a representative; (2) self-organization; and (3) other concerted activity for the purpose of collective bargaining or other mutual aid or protection. State law establishes a procedure for certifying a labor organization as the bargaining representative for a workplace, and a majority of employees must vote in favor of joining a union in order for a workplace to unionize.

National Labor Relations Act

In 1935, the U.S. Congress passed the National Labor Relations Act (NLRA), commonly known as the “Wagner Act,” which set forth employees’ rights to join unions and required employers to bargain collectively with unions selected by a majority of workers in an appropriate bargaining unit. Under Section 7 of NLRA, employees have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and also have the right to refrain from any or all such activities. The NLRA generally applies to all employers involved in interstate commerce other than airlines, railroads, agriculture, and government.

The NLRA also established the National Labor Relations Board (NLRB), an independent federal agency, to enforce its provisions. The NLRB also acts to prevent and remedy unfair labor practices committed by private sector employers and unions, as well as conducts secret-ballot elections regarding union representation.

Public Employee Relations Board

Chapter 114 of 2023, the Maryland Public Employee Relations Act (PERA), established PERB to oversee collective bargaining for all public employees. Prior to PERA, the collective bargaining rights of State employees, employees of public institutions of higher education, employees of community colleges, or public school employees, including teachers, were administered by one of three labor relations boards, depending on the nature of the employees’ employer: the State Labor Relations Board (SLRB); the State Higher Education Labor Relations Board (SHELRB); and the Public School Labor Relations Board (PSLRB). PERA consolidated different collective bargaining laws that apply to different employees into one set of rules and procedures for public employees. The Act also repealed SLRB, SHELRB, and PSLRB, and instead established PERB to oversee collective bargaining for all the previously mentioned public employees.

In addition to consolidating three labor boards into one, the Act consolidated different collective bargaining laws into one law, including provisions regarding employee access, unfair labor practices, management and employee rights, prohibited employer and employee actions, designation of bargaining units, elections, and certification of exclusive representatives.

There are approximately 180,000 public employees who fall under PERB’s jurisdiction. Specifically PERB jurisdiction covers approximately 40,000 State employees, 23,000 higher education employees, 17,000 community college employees, and 100,000 public school employees.

Maryland Occupational Safety and Health and Heat Stress Standards

The Division of Labor and Industry within Maryland Department of Labor (MD Labor) administers the Maryland Occupational Safety and Health (MOSH) program. The requirements of the MOSH program are codified by the MOSH Act. In general, these requirements parallel the safety standards established by the federal Occupational Safety and Health Administration (OSHA) within the U.S. Department of Labor. OSHA specifies that states may elect to assume the responsibility for development and management of a state occupational safety and health program as long as the standards under the state program are “at least as effective as” OSHA standards. Employers must provide each employee with a place of employment that is safe and healthful and free from each recognized hazard that is causing or likely to cause death or serious physical harm to the employee. The cost of administering the MOSH program is covered through an appropriation from the Workers’ Compensation Commission.

Chapter 308 of 2020 required the Commissioner of Labor and Industry to adopt regulations that require employers to protect employers from heat-related illness caused by heat stress. MD Labor adopted regulations that generally apply to an employer whose employment activities, indoor or outdoor, expose employees to a heat index in the area where the employee is working that equals or exceeds 80 degrees Fahrenheit. An employer must develop, implement, and maintain an effective heat-related illness prevention and management plan in writing.

Additionally, an employer must implement high-heat procedures when the heat index reaches or exceeds 90 degrees Fahrenheit in the area where the work is being performed, which must include a work and rest schedule. The high-heat procedures must include: (1) a minimum rest of 10 minutes for every 2 hours worked where employees are exposed to a heat index between 90 and 100 degrees Fahrenheit and a minimum rest period of 15 minutes for every hour worked where employees are exposed to a heat index above 100 degrees Fahrenheit; or (2) a rest period as provided for in the current National Institute for Occupational Safety and Health recommendations for work and rest schedules to manage heat exposures.

Small Business Effect: To the extent that small businesses employ greenhouse workers, they may be affected if those greenhouse workers opt to unionize. If greenhouse employees unionize, their employers may incur legal expenses and other operational costs in connection with negotiations and, to the extent that collective bargaining leads to higher wages, increased labor costs.

Providing a 5 minute break to greenhouse employees every hour does not have a material impact on small businesses as greenhouse employees are already entitled to a 10 minute break every two hours; the bill does not increase the total break time entitlement.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 887 (Senators Lam and McCray) - Finance.

Information Source(s): Maryland Department of Labor; Public Employee Relations Board; National Labor Relations Board; Department of Legislative Services

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