

- 2) **Background. *Native American Day.*** California is home to more Native Americans and federally recognized tribes than any other state in the United States. Native American Day in California began in 1939, when the Governor dedicated October 1 as “Indian Day.” AB 1973 (Roger Hernández), Chapter 537, Statutes of 2014, recognized the fourth Friday in September as Native American Day and made the day an official state holiday. AB 855 (Ramos), Chapter 283, Statutes of 2021, provided that Native American Day is designated as a holiday on which courts are closed, in lieu of Columbus Day.

State Holidays with Paid Time Off. Existing law provides state employees with paid time off for certain holidays, such as New Year’s Day, Farmworkers Day, and Thanksgiving, and also provides state employees with one personal holiday per year. Although Native American Day is an official state holiday, the day is not on the list of holidays for which state employees receive paid time off. However, existing law authorizes a state employee to elect to receive holiday credit for certain additional holidays in lieu of receiving personal holiday credit. A state employer may require an employee to provide five working days’ advance notice before a personal holiday is taken, and allows the employer to deny use of the personal holiday, subject to operational needs. The eligible additional holidays are Lunar New Year, Genocide Remembrance Day, Juneteenth, Native American Day, and Diwali. This bill shifts Native American Day from that list to the list of holidays for which state employees directly receive paid time off upon determination by CalHR that sufficient funds exist to support the cost. The bill also authorizes individual bargaining units to negotiate to receive the day as a paid holiday.

- 3) **Related Legislation.** AB 268 (Kalra), Statutes of 2025, Chapter 358, added Diwali to the list of state holidays, and authorized public schools to close and state employees to take time off in recognition of Diwali.

AB 989 (Ramos), of the current legislative session, was substantially similar to this bill but its implementation was not predicated upon CalHR’s determination of sufficient funding. AB 989 was held in this committee.

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