

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

AB 2129 (Flora) – As Introduced February 18, 2026

SUBJECT: State employees: compensation: firefighters

SUMMARY: Requires comparative pay for firefighters employed by the California Department of Forestry and Fire Protection (CAL FIRE) similar to those of other specified California fire departments, among other provisions. Specifically, **this bill:**

- 1) Towards recruiting and retaining the highest qualified and skilled firefighters for CAL FIRE, requires the state to pay rank-and-file state Bargaining Unit (BU) 8 firefighters within 15 percent of the average salary for corresponding ranks in the following 20 California fire departments, as agreed to by state BU 8 and the California Department of Human Resources (CalHR) in 2017:
 - a) The cities of Bakersfield, Chula Vista, Corona, Escondido, Fullerton, Hayward, Milpitas, Ontario, Oxnard, Rialto, Roseville, San Bernardino, San Mateo, Santa Monica, Stockton, Torrance, and Ventura;
 - b) The Livermore-Pleasanton Fire Department;
 - c) The Novato Fire District; and,
 - d) The County of Los Angeles.
- 2) Requires the state and the state BU 8 exclusive representative to jointly survey annually and calculate the estimated average salaries of the immediately aforementioned departments based on the projected average total salary for those departments as of July 1 of the year in which the survey is conducted.
- 3) Requires, on or before March 31, 2027, for purposes of bargaining unit contract renewal to be conducted on July 1, 2027, the CalHR and BU 8 to conduct and report to the CAL FIRE a cursory survey on the salaries and benefits for the prior year of each of the fire chiefs for the following fire departments, as well as those of other similar cities, counties, and heads of state departments:
 - a) The cities of Fresno and San Diego.
 - b) The counties of Los Angeles and San Bernardino.
 - c) The City and County of San Francisco.
- 4) Establishes, when determining compensation for uniformed CAL FIRE classifications, that it is the policy of the state to consider the salary of corresponding ranks within the comparable jurisdictions, as specified, as well as other factors, including internal comparison.

- 5) Requires any salary for BU 8 firefighters resulting from these provisions to be implemented via memorandum of understanding (MOU) pursuant to the Ralph C. Dills Act (Dills Act), and establishes that if these provisions are in conflict with those in a MOU, the MOU must be controlling without further legislative action, except if the MOU requires the expenditure of funds, then the provision must not become effective unless approved by the Legislature and the Annual Budget Act.
- 6) Includes uncodified legislative findings and declarations for these purposes.

EXISTING LAW:

- 1) Provides and establishes that, in order for the state to recruit skilled firefighters for CAL FIRE, it is the policy of the state to consider prevailing salaries and benefits prior to making salary recommendations. In addition, to provide for comparability in pay, the CalHR must take into consideration the salary and benefits of jurisdictions employing 75 or more full-time firefighters who work in California. (Section 19827.3, Government (Gov.) Code.)
- 2) Requires the CalHR to post, in a clear and conspicuous manner on its internet website, each MOU that has been submitted to the Legislature for determination, as provided, and that has been ratified by the affected union membership, among other provisions. (Section 19829.6, Gov. Code.)
- 3) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA) but leaves to the states the regulation of collective bargaining in their respective public sectors. (Sections 151 et seq., Title 29, United States Code.) While the NLRA and the decisions of its National Labor Relations Board (NLRB) often provide persuasive precedent in interpreting state collective bargaining law, public employees generally have no collective bargaining rights absent specific statutory authority establishing those rights.
- 4) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. These include the Dills Act, which provides collective bargaining for state employees of the executive branch and establishes a process for determining wages, hours, and other terms and conditions of employment for represented employees. (Sections 3512 et seq., Gov. Code.)
- 5) Requires the Governor and the recognized state employee organizations to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment and, if they reach an agreement, to jointly prepare a written memorandum of understanding (MOU), which the Governor shall present, when appropriate, to the Legislature for determination. (Sections 3517 et seq., Gov. Code.)
- 6) Establishes the Public Employment Relations Board (PERB), a quasi-judicial administrative agency, charged with administering the several statewide collective bargaining statutes

covering public employees including school, college, state, local agency, and trial court employees. (Sections 3541 et seq., Gov. Code)

- 7) Provides for the payment of compensation and specified state employees through the annual Budget Act. (Sections 19829.7 et seq., Gov. Code.)
- 8) Recognizes the historic problem of recruitment and retention of peace officers of the Department of Corrections and Department of Youth Authority; the trend in recent years to improve salaries and benefits for correctional peace officers; the need to fill vacancies to recruit and retain such officers; provide for compatibility of pay with large peace officer employers, and that salaries must be improved and maintained by the state for officers in the Departments of Corrections and Youth Authority, respectively. In addition, the department is required to take into consideration the salary and benefits of other large employers of peace officers in California. (Section 19827.1, Gov. Code.)
- 9) Requires after completion of the first year in a position, each employee must receive a merit salary adjustment equal to one of the intermediate steps during each year when the employee meets the standards of efficiency as the department must prescribe by rule, and includes provisions relating to the supremacy of a Dills Act MOU if the provisions of the statute are in conflict with those in a MOU. (Section 19832, Gov. Code.)

FISCAL EFFECT: Unknown. This bill is flagged as fiscal by Legislative Counsel.

COMMENTS:

Among other things, information provided by the author states, “[e]xisting law provides that, for the state to recruit skilled firefighters for the [CAL FIRE], it is the policy of the state to consider prevailing salaries and benefits prior to making salary recommendations. Existing law also requires the [CalHR], in order to provide comparability in pay, to take into consideration the salary and benefits of other California jurisdictions employing 75 or more full-time firefighters. CAL FIRE rank-and-file firefighters are overworked and significantly underpaid compared to their counterparts in local fire departments. CAL FIRE firefighters work 72-hour workweeks, compared to a typical 54-hour workweek for local fire departments. For many years, wages for CAL FIRE’s all risk firefighters have lagged behind municipal and county departments, devaluing the critical work they perform and making it increasingly difficult to recruit and retain firefighters where they are most urgently needed. Short staffing exacerbates the inherent dangers of firefighting by increasing exhaustion and stress, while also contributing to long-term health impacts from prolonged exposure to toxic smoke, limited respiratory protection, chronic sleep deprivation, and extended periods away from family. As climate change drives longer and more destructive fire seasons, ensuring competitive compensation is essential to maintaining a skilled, healthy, and stable firefighting workforce capable of protecting public safety statewide.”

Brief Background Regarding the Eponymous Dills Act

Resulting from legislative efforts during the 1970s to enact a single and comprehensive statute that would cover all public employees in California, proponents of collective bargaining for state employees were successful when former Senator Ralph C. Dills introduced a measure (i.e., the

“Dills Act”), backed by the California State Employees Association, that was passed in 1977 and signed into law by former Governor Edmund “Jerry” G. Brown, Jr. in July 1978.

Collective Bargaining Under the Dills Act

As previously enumerated, the Dills Act provides for its primary purposes and objectives.¹

In the public sector, the core mechanics of collective bargaining are twofold: i) Each party must give up something to receive something in return to, ii) achieve the manifestation of the art of compromise represented by a written and signed agreement that is formally executed as a MOU. Achieving the agreement, i.e., contract, is identical to the common law principles of the formation of a contract, i.e., offer, acceptance, and exchange of consideration. However, to achieve an agreement assumes that the collective bargaining process and negotiation strategy or tactics used by both the employer and employee organization are in good faith and not to reach an impasse, nor the employer driving negotiations in a manner ultimately to be able to unilaterally implement (also commonly referred to by employee organizations as “impose”) what might be considered by the employee organization as an unfair or objectionable contract.

Subjects Within the Scope of Representation Under the Dills Act

The mandatory subjects of collective bargaining under the Dills Act’s scope of representation covers “wages, hours, and other terms and conditions of employment,” and excludes certain matters. (Section 3516, Gov. Code.)

What is “good faith”? “The phrase “good faith” is used in a variety of contexts, and its meaning varies somewhat with the context. Good faith performance or enforcement of a contract emphasizes faithfulness to an agreed common purpose and consistency with the justified expectations of the other party; it excludes a variety of types of conduct characterized as involving “bad faith” because they violate community standards of decency, fairness, and reasonableness. The appropriate remedy for a breach of the duty of good faith also varies with the circumstances.”² “[G]ood faith is an elusive idea, taking on different meanings and emphases as we move from one context to another – whether the particular context is supplied by the type of legal system (e.g., common law, civilian, or hybrid), the type of contract (e.g., commercial or consumer), or the nature of the subject matter of the contract (e.g., insurance, employment, sale of goods, financial services, and so on).”³ Generally, “good faith” means a state of mind consisting in: i) honesty in belief or purpose, ii) faithfulness to one’s duty or obligation, iii) observance of reasonable commercial standards of fair dealing in a given trade or business, or iv) absence of intent to defraud or to seek unconscionable advantage.

What is “bad faith”? A complete catalogue of types of bad faith is impossible, but the following are among those which have been recognized in judicial decisions: evasion of the spirit of the bargain, lack of diligence and slacking off, willful rendering of imperfect performance, abuse of a power to specify terms, and interference with or failure to cooperate in the other party’s

¹ Ref. “Existing Law,” No. “4).”

² Section 205, Restatement (Second) of Contracts, cmt. a (1979).

³ “Good Faith in Contract,” in *Good Faith in Contract: Concept and Context* 1, 3. Roger Brownsword, et al. (Roger Brownsword, ed., 1999).

performance.”⁴ Generally, “bad faith” means the opposite of good faith. That is, dishonesty of belief, purpose, or motive.

The subject of “wages” under the scope is relatively self-explanatory. Generally, this refers to pay, salary, wages, compensation, or remuneration for official work performed by the employee for, or on behalf of, the employer. The subject of “hours” under the scope also is relatively self-explanatory. Generally, this refers to the hours in which an employee works to perform official work for, or on behalf of, the employer. The category of “other terms of conditions of employment” is not as readily self-explanatory. Here, “terms and conditions of employment” acts similarly as a category of “other” when compared to the specific categories of “hours” and “wages.” It is not specifically defined, but the PERB has interpreted the Dills Act’s scope of representation which has resulted in what is largely a well-settled rule. That is, subjects are within the scope of bargaining “if they involve the employment relationship and are of such concern to both management and employees that conflict is likely to occur, and if the mediatory influence of collective negotiation is an appropriate means of resolving the conflict.” However, decisions that concern “essential managerial prerogatives” are not within the scope of representation under the (Dills) Act.” (*California State Employees Assn. v. State of California (Dept. of Transportation)* (1983) PERB Decision No. 361.)

State BU 8 (Firefighters) MOU Fiscal Analysis by the Legislative Analyst’s Office

On July 25, 2025, the administration submitted a proposed MOU between the state and state BU 8 to the Legislative Analyst’s Office (LAO) for review.

Relating to State BU 8 workforce and compensation, the LAO discussed the following:

- *About Two-Thirds of Unit 8 Payroll Paid From General Fund.* As of March 2025, the rank-and-file, managerial, and supervisory employees associated with [BU] 8 include 9,220 full-time equivalent (FTE) employees. [BU] 8 rank-and-file, managerial, and supervisory employees account for less than 4 percent of the total FTE in the state workforce and about 4 percent of the state’s General Fund payroll expenditures. The estimated salary and salary-driven costs for these employees in 2024-25 totaled \$1.1 billion with about two-thirds of these costs being paid from the General Fund.
- *Firefighters Compensated Differently Than Most Employees.* Firefighters historically worked, on average, four 72-hour workweeks in a 28-consecutive-day cycle. Under the 72-hour duty week, employees receive overtime pay for any hours worked in excess of 212 hours during the 28-day period. [...] in our August 2024 analysis, the Legislature approved a reduction of the duty week from 72 hours to 66 hours as part of the 2024-25 budget. Implementation of the 66-hour duty week began in 2024-25 and will continue until at least 2028-29.
- *Overtime Built Into Work Schedule, Constitutes Significant Source of Compensation to Unit 8 Members.* Both the 72-hour and 66-hour duty weeks build overtime payments into [BU] 8 compensation. In the case of the 72-hour duty week, employees regularly receive 19 hours of planned overtime (also referred to as Extended Duty Week Compensation, or EDWC) per duty week. In the case of the 66-hour duty week, employees regularly receive 13 hours of planned overtime. In addition, Unit 8 members often work unplanned overtime. The result is that overtime – paid at 1.5 times regular pay – constitutes a substantial portion of [BU] 8

⁴ Section 205, Restatement (Second) of Contracts, cmt. d (1979).

compensation. In calendar year 2024, data from the State Controller’s Office indicate that rank-and-file [BU] 8 salaries totaled \$518 million and overtime payments to these employees totaled \$294 million – 57 percent of their base salary.

- *Recent Shift From Seasonal to Permanent Workforce.* Historically, the state has staffed its firefighters to coincide with the fire season – relying on seasonal firefighters to ramp up staffing during fire season. [...] in our March 2024 analysis, the annual wildfire seasons have lengthened and have produced particularly large and destructive wildfires in recent years. This has raised concerns of wildfires becoming a year-round phenomenon. To address this concern, the 2025-26 budget provides some funding to shift a number of seasonal firefighter positions to permanent positions.
- *Compensation Survey Found State Compensation Lags Compensation Provided by 20 Local Fire Departments...* When establishing state firefighter compensation, [Section 19827.3, Gov. Code] requires CalHR to “take into consideration the salary and benefits of other jurisdictions employing 75 or more full-time firefighters who work in California.” The [MOU] establishes additional requirements for CalHR to conduct a compensation survey. The most recent compensation study compares four state firefighter classifications (Firefighter II, Fire Apparatus Engineers, Fire Captain [Range A], and Battalion Chief). The study compares employer costs for salaries, cash benefits, health and retirement benefits, EDWC, and the value of accrued leave. The study compares the state with 20 fire departments across California. The study found that state compensation for firefighters lags compensation provided to local fire department firefighters by between 11 percent to 29 percent, depending on the classification. The survey found that while both state and local firefighters work 24-hour shifts, state firefighters work more days of the year (156 days compared with 121 days for the local fire departments in the survey). The result is that state firefighters work more hours of scheduled overtime than local firefighters.
- *...And Excluded Comparison With Federal Wildland Firefighter Classifications.* About 3,600 U.S. Forest Service firefighters are employed in California as of July 2025. These federal firefighters defend federal lands from wildfire, a job very similar to CalFire’s responsibility to defend against wildfire. While [BU] 8 compensation regularly is found to lag local government firefighter compensation, in the past, [BU] 8 compensation has been significantly higher than federal firefighters. We do not know how [BU] 8 compensation currently compares with federal firefighters because it was not included in the compensation survey.⁵

Author’s Statement

“[This bill] would create wage parity for CAL FIRE firefighters to support recruitment during increasingly severe statewide fire seasons. By aligning pay with other fire departments, the bill aims to improve hiring and retention and reduce the loss of firefighters to higher-paying jurisdictions, helping [the CAL FIRE] meet the state’s public safety needs.”

Comments by Supporters

The CAL FIRE Local 2881 states, “[the] CAL FIRE has the most diverse mission and with a new pattern of historically catastrophic fires, our men and women work onerous schedules that have physical and psychological risk. Comparative pay is essential. Because of low pay, more than 400 firefighters in the past couple of years have left CAL FIRE for better paying

⁵ “MOU Fiscal Analysis: Bargaining Unit 8 (Firefighters).” LAO, August 19, 2025.

departments. [This bill] creates a structured framework to ensure CAL FIRE firefighter pay is more competitive in California's labor market amid the department's recruitment/retention crisis. [This bill] is similar to AB 1309 [Flora, 2025] which was vetoed by Governor Newsom last year. The Governor cited his concerns with circumventing the established collective bargaining process as well as other budget concerns. [This bill] places a clearer emphasis on "good faith bargaining" language, reinforcing that implementation still occurs through MOUs, and establishes the bill as a benchmarking tool rather than a mandate.

Comments by Opponents

None on file.

Prior or Related Legislation

Senate Bill 581 (McGuire, 2025) proposes to amend existing law relating to state firefighter classifications within the CAL FIRE. This bill is currently on the Assembly Inactive File.

Assembly Bill 1309 (Flora, 2025) proposed to require comparative pay for rank-and-file state CAL FIRE BU 8 firefighters similar to those of other California fire departments, as specified, and among other provisions. This bill was vetoed by the Governor stating:

"While I appreciate the author's intent, this bill would create significant cost pressures for the state and circumvent the collective bargaining process. State employee salaries, along with other components of compensation such as health and pension benefits, should be determined through collective bargaining. Establishing a statutory salary floor for employees of a single department undermines this process, to the detriment of both the state and other bargaining units."

Assembly Bill 252 (Bains, 2025) proposes to require the CAL FIRE, on or before January 1, 2028, to maintain full staffing levels throughout the calendar year at all fire stations and facilities under its jurisdiction; implement staffing requirements on a schedule; and to annually report to the Legislature on progress toward implementation, among other provisions. This bill was held in the Assembly Committee on Appropriations.

Assembly Bill 1254 (Flora, 2023) proposed to require comparative pay for rank-and-file state CAL FIRE BU 8 firefighters similar to those of other California fire departments, as specified, and among other provisions. This bill was held on the Senate Inactive File.

REGISTERED SUPPORT / OPPOSITION:

Support

Cal Fire Local 2881 (Sponsor)

Opposition

None on file.

Analysis Prepared by: Michael Bolden / P. E. & R. / (916) 319-3957