

ASSEMBLY THIRD READING
AB 2129 (Flora)
As Introduced February 18, 2026
Majority vote

SUMMARY

Requires comparative pay for firefighters employed by the California Department of Forestry and Fire Protection (CAL FIRE) similar to those of certain other California fire departments, among other provisions.

Major Provisions

- 1) Toward recruiting and retaining the highest qualified and skilled firefighters for CAL FIRE, require 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) Require 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) Require, 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) Establish, 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) Require 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 establish 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.

COMMENTS

Collective Bargaining Under the Dills Act

The Dills Act provides for its primary purposes and objectives, and 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.

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, Government. Code.)

State BU 8 (Firefighters) MOU Fiscal Analysis by the Legislative Analyst's Office¹

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:

- 1) *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.
- 2) *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.

¹ "MOU Fiscal Analysis: Bargaining Unit 8 (Firefighters)." LAO, August 19, 2025.

- 3) *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 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% of their base salary.
- 4) *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.
- 5) *Compensation Survey Found State Compensation Lags Compensation Provided by 20 Local Fire Departments...* When establishing state firefighter compensation, [Section 19827.3, Government 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.
- 6) *...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.

Please refer to the policy committee analysis for a full discussion of this bill.

According to the Author

“[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."

Arguments in Support

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 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.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill would result in costs between approximately \$373.4 million to \$609.1 million (\$245.6 million to \$400.7 million General Fund (GF)) in the first year of implementation, and between \$28 million to \$114.6 million (\$18.4 million to \$75.4 million GF) annually thereafter, to the state to increase BU 8 compensation. The CalHR notes that the range of costs for initial implementation depends heavily on the results of the state's next salary survey, which will be the state's first opportunity to account for BU 8 wage increases related to the recent transition to a 66-hour work week. If the wages for local jurisdictions do not increase at the same pace as state wages, costs would likely be at the lower end of the range.

VOTES

ASM PUBLIC EMPLOYMENT AND RETIREMENT: 6-0-1

YES: McKinnor, Lackey, Boerner, Garcia, Nguyen, Michelle Rodriguez

ABS, ABST OR NV: Alanis

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: February 18, 2026

CONSULTANT: Michael Bolden / P. E. & R. / (916) 319-3957

FN: 0002828