
THIRD READING

Bill No: AB 2129
Author: Flora (R)
Amended: 8/21/26 in Senate
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 6/24/26
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 77-1, 5/28/26 - See last page for vote

SUBJECT: State employees: compensation: firefighters

SOURCE: CAL FIRE Local 2881

DIGEST: This bill requires the state to bargain in good faith with Department of Forestry and Fire Protection (CALFIRE) Bargaining Unit 8 (BU-8) firefighters to reach a competitive range within 15% of the average salary for corresponding ranks in 20 California fire departments agreed to by the exclusive bargaining representative for BU-8 and the Department of Human Resources (CalHR).

Senate Floor Amendments of 8/21/26 1) direct the state to bargain in good faith with BU-8 firefighters to reach a competitive range within 15% of the average of the salary for corresponding ranks in 20 California fire departments *agreed to by the exclusive bargaining representative for BU-8 and CalHR* instead of specifying 20 California fire departments; 2) modify the requirement for the state and the exclusive bargaining representative for BU-8 to jointly survey the estimated average salaries of the agreed upon fire departments so that the survey is no longer annual 3) strike the requirement for CalHR to conduct a survey on the salaries and benefits of specified fire chiefs; 4) clarify that a salary adjustment contemplated by these provisions shall only be implemented through a memorandum of understanding (MOU); and 5) provide that nothing in these provisions creates an entitlement to an automatic salary increase.

ANALYSIS:

Existing law:

- 1) Creates the state civil service that includes every officer and employee of the state except a limited number of specified, exempted officers and employees. Existing law also requires that the state make “permanent appointment and promotion in the civil service under a general system based on merit ascertained by competitive examination.” Case law and custom refer to this provision as the merit principle and it governs the administration of the state’s civil service system. (California Constitution (CA CONST.) art. VII, §1 and §4)
- 2) Creates, under the Dills Act, a system of collective bargaining between the state and its employees’ exclusive representatives to negotiate for terms and conditions of employment. (Government Code §3512 et seq.)
- 3) Requires CalHR to 1) establish and adjust salary ranges for each class of position, as specified, on the principle that the state shall pay like salaries for comparable duties and responsibilities; and 2) consider the prevailing rates for comparable service in other public employment and in private business in establishing or changing these ranges. (Government Code §19826 (a))
- 4) Prohibits, however, CalHR from establishing, adjusting, or recommending a salary range for any employees represented by an exclusive representative, as specified. Instead, existing law requires CalHR to submit to the respective parties that are meeting and conferring over the salaries and to the Legislature, a report containing CalHR’s findings relating to the salaries of employees in comparable occupations in private industry and other governmental agencies at least six months before the end of an MOU or as otherwise specified. (Government Code §19826 (b)-(c))
- 5) 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. (Government Code §19829.6)
- 6) Requires the state to pay, as specified, sworn members of the California Highway Patrol who are rank-and-file members of State Bargaining Unit 5 the estimated average total compensation for each corresponding rank for the Los Angeles Police Department, Los Angeles County Sheriff’s Office, San Diego Police Department, Oakland Police Department, and San Francisco Police

Department. Total compensation shall include base salary, educational incentive pay, physical performance pay, longevity pay, and retirement contributions made by the employer on behalf of the employee. (Government Code §19827)

- 7) Declares that it is the state's policy to consider prevailing salaries and benefits prior to making salary recommendations in order for the state to recruit skilled firefighters for CAL FIRE and requires CalHR to take into consideration the salary and benefits of other jurisdictions employing 75 or more full-time firefighters who work in California in order to provide comparability in pay. (Government Code §19827.3)

This bill:

- 1) Requires the state to bargain in good faith with rank-and-file BU-8 firefighters to reach a competitive range within 15 percent of the average of the salary for corresponding ranks in 20 California fire departments agreed to by the exclusive bargaining representative for BU-8 and CalHR.
- 2) Requires the state and the exclusive representative for BU-8 to jointly survey the estimated average salaries of the fire departments agreed to in 1) and to report the findings, as specified.
- 3) Provides that a salary adjustment contemplated by these provisions shall only be implemented upon agreement between the state and the exclusive representative through an MOU.
- 4) Provides that, when determining compensation for CAL FIRE's uniformed classifications, it is the state's policy to consider the salary of corresponding ranks within the comparable jurisdictions agreed to in 1), as well as other factors, including internal comparisons.
- 5) Provides that nothing in these provisions creates an entitlement to an automatic salary increase.
- 6) Requires the state to implement any increase in salary for BU 8 firefighters resulting from this bill's provisions through an MOU negotiated pursuant to the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1).

- 7) Provides that if this bill's provisions and an MOU conflict, the MOU shall control without further legislative action except that if the MOU's provisions require the expenditure of funds, the provision shall not become effective unless approved by the Legislature and the annual Budget Act.
- 8) Makes various findings and declarations.

Background

Bargaining Unit 8 (BU-8). BU-8 represents state-employed firefighters, almost all of whom work for CALFIRE. As of March 2025, the rank-and-file, managerial, and supervisory employees associated with BU-8 include 9,220 full-time equivalent employees. 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. BU-8's current MOU went into effect on July 1, 2024, and expires on June 30, 2027. Initially, the MOU was set to expire June 30, 2026, but a side letter between CalHR and BU-8 extended the agreement by one year.

As wildfire seasons become longer and increasingly destructive, the State has taken steps to shift some seasonal firefighter positions to permanent ones and to increase firefighter retention. The MOU discussed above (pre side letter) includes several provisions intended to increase retention. Specifically, it began implementing a shift from a 72-hour workweek to a 66-hour workweek, modified staffing schedules, increased general base pay by about 2.5 percent, and specified special salary adjustments. For the most part, the side letter maintains provisions of the ratified MOU. However, the letter also includes a general salary increase of 2.5 percent, a commitment that the 2027 successor MOU negotiations will include the 56-hour industry standard work week, and a guarantee that CALFIRE Local 2881 will meet with CalHR to present a deferred retirement option program (DROP program) on or before February 1, 2026.

Existing law requires CalHR, when determining compensation for state firefighters, to take into consideration the compensation provided by jurisdictions employing 75 or more full-time firefighters who work in California. The most recent compensation survey found that state compensation for firefighters lags behind compensation provided to local fire department firefighters by as much as 11 percent to 29 percent, depending on the classification. Additionally, the survey found that state firefighters work more days of the year than local department firefighters.

Bargaining Unit 5 (BU-5) Highway Patrol (CHP). AB 2129's provisions are modeled after BU-5's pay structure. Existing law requires CalHR to survey the total compensation provided to peace officers in five specified jurisdictions to determine salary increases for sworn members of the CHP who are rank-and-file members of BU-5. The five jurisdictions are Los Angeles County and the Cities of Los Angeles, Oakland, San Diego, and San Francisco. This statutory requirement, established in 1974, predates the state employee collective bargaining process established by the Dills Act. The five jurisdictions used in the formula were the five largest police jurisdictions in 1974. At the time, they were possibly a representative sample of the cost of living where CHP officers worked, however these five jurisdictions today represent the most expensive regions of the state and are not where many CHP officers work. Sworn members of the CHP are the only state employees who automatically receive adjustments to their salary ranges each year. Due to this compensation formula, BU-5's base pay has continued to grow faster than inflation.

The Legislative Analyst's Office has long argued that, although BU-5's formula has precedent, it should be improved or repealed. The formula makes it difficult to forecast future salary increases, which can vary significantly from year to year. Furthermore, the formula limits legislative oversight of state employee compensation and hinders the Legislature's ability to respond to fiscal crises. If the formula's survey methodology was updated to use a more representative sample of employers, it could better reflect the cost of living for the average CHP officer.

Comments

AB 2129 would require the state to *bargain in good faith* with BU-8 firefighters to reach a competitive range within 15 percent of the average salary for corresponding ranks in 20 local fire districts, as agreed to by the exclusive bargaining representative for BU-8 and CalHR.

The author's previous versions of this bill (AB 1254, 2023 and AB 1309, 2025) would have instead required the state *to pay* BU-8 firefighters within 15 percent of the average salary for corresponding ranks in specified local fire districts. AB 1254 was ordered to the inactive file on the Senate Floor and AB 1309 was ultimately vetoed by the Governor. The concerns raised in the Governor's veto message, as well as the LAO's concerns with automatic salary increases, discussed above, remain relevant. *Given the LAO's concerns with BU-5's compensation formula, should the Legislature extend a similar formula to BU-8?*

Related/Prior legislation

AB 1383 (McKinnor, 2026) would require, among other things, public employers to raise their firefighter and peace officer safety pension formulas effective January 1, 2027, to give at age 55 what their specific PEPPRA formula gives at age 57 unless the parties bargain for a higher or lower formula, as specified. *This bill is currently pending on the Senate Floor.*

AB 1309 (Flora, 2025) would have 1) required the state to pay CALFIRE BU-8 firefighters within 15 percent of the average salary for corresponding ranks in specified local fire departments; and 2) required CalHR, on or before January 1, 2027, to conduct a survey on the salaries and benefits for fire chiefs and report to CALFIRE, as specified. AB 2129 is nearly identical to AB 1309. *This bill was vetoed by Governor Newsom.*

AB 1254 (Flora, 2023) was nearly identical to AB 1309 and AB 2129 and would have required the state to pay CAL-FIRE firefighters within 15 percent of the average salary for corresponding ranks in 20 listed California fire departments. *This bill was ordered to the Inactive File on the Senate Floor.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

“This bill would increase personnel costs for CAL FIRE by requiring compensation for BU 8 firefighters to be comparable to that of firefighters in local fire departments. At a minimum, the resulting costs would likely reach the mid-hundreds of millions of dollars annually (General Fund and special funds). The bill could also create additional cost pressures if comparable salary increases are extended to BU 8 supervisors and other employees performing similar work. The total fiscal impact would depend on the results of the required compensation survey and any resulting salary adjustments. Historically, automatic compensation adjustments of this type have resulted in significant, unpredictable, and unbudgeted increases in state costs.”

SUPPORT: (Verified 8/21/26)

CAL FIRE Local 2881 (Source)
California Professional Firefighters

OPPOSITION: (Verified 8/21/26)

None received

ARGUMENTS IN SUPPORT: The source of the measure, CAL FIRE Local 2881, argues:

“On behalf of the 10,000 CAL FIRE firefighters who confront California’s disasters on the front line, CAL FIRE Local 2881 are proud to sponsor Assembly Bill 2129 which requires the state to bargain in good faith to achieve firefighter salaries within 15% of the average pay for comparable ranks across 20 California local fire departments...

AB 2129 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.”

ASSEMBLY FLOOR: 77-1, 5/28/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio

NO VOTE RECORDED: Quirk-Silva, Celeste Rodriguez

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8/24/26 12:05:07

**** **END** ****