

CONCURRENCE IN SENATE AMENDMENTS

AB 2129 (Flora)

As Amended August 21, 2026

Majority vote

SUMMARY

Requires the state to bargain in good faith with State Bargaining Unit (BU) 9 rank-and-file firefighters employed by the Department of Forestry and Fire Protection (CAL FIRE) to reach a competitive range within 15 percent of the average salary for corresponding ranks in 20 California fire departments, among other provisions.

Senate Amendments

- 1) Remove the specific fire departments previously enumerated and, *instead*, provide that the state and BU 8 exclusive representative jointly survey the estimated average salaries for those 20 fire departments and report the findings in accordance with exiting law.
- 2) Add by providing that a contemplated salary adjustment pursuant to these provisions must only be implemented upon an agreement between the state and BU 8 through a memorandum of understanding (MOU).
- 3) Add by providing that the provisions of this bill must not be interpreted to create an entitlement to an automatic salary increase.
- 4) Make other technical and clarifying changes.

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, Gov. Code.)

*State BU 8 (Firefighters) MOU Fiscal Analysis by the Legislative Analyst's Office.*¹ On July 25, 2025, the administration submitted a proposed MOU between the state and state BU 8 to the

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

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.
- 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 percent 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, 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.

- 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 various policy committee analyses 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.

FISCAL COMMENTS

According to the Senate Committee on Appropriations, 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.

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

ASSEMBLY FLOOR: 77-1-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, 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

NO: DeMaio

ABS, ABST OR NV: Quirk-Silva, Celeste Rodriguez

UPDATED

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