

Date of Hearing: April 29, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2134 (Addis) – As Amended March 16, 2026

SUBJECT: City council members: absences without permission

SUMMARY: Prohibits parental leave from counting toward allowed absences for city council members, prohibits a city from refusing permission for a city council member to take absences for parental leave, and prohibits a city from requiring a city council member to request approval for parental leave at a public hearing. Specifically, **this bill:**

- 1) Provides that parental leave shall not count toward the existing number of allowed absences allotted to each city council member, pursuant to existing law limiting those absences.
- 2) Provides that a city shall not refuse permission for a council member to take absences for parental leave.
- 3) Provides, notwithstanding the Ralph M. Brown Act, a city shall not require a council member to request approval for their parental leave at a public hearing.
- 4) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 5) Finds and declares that this bill imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest: in order to protect the privacy of city council members, the limitation on the public's right of access imposed by this bill is necessary.

EXISTING LAW:

- 1) Establishes the California Family Rights Act (CFRA), which makes it an unlawful employment practice for an employer to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period for the following reasons:
 - a) To care for a child born to, adopted by, or placed for foster care with the employee.
 - b) To care for the employee's child, parent, grandparent, grandchild, siblings, spouse, or domestic partner who has a serious health condition, as defined.
 - c) To address an employee's own serious health condition rendering them unable to perform the functions of their job. [Government Code (GOV) 12945.2]

- 2) Defines employer as any person that directly employs five or more employees including, the state, and any political or civil subdivision of the state and cities. (GOV 12945.2)
- 3) Defines eligible employee as one that has more than 12 months of service with the employer and at least 1,250 hours of service with the employer within the last 12 months. (GOV 12945.2)
- 4) Allows an employer to require that an employee's request for leave to take care of a family member, as specified, to be supported by a certification issued by the health care provider of the individual requiring care. (GOV 12945.2)
- 5) Under Fair Employment and Housing Act (FEHA) and associated regulations, it is an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time not to exceed four months and thereafter return to work. The employee is entitled to utilize any accrued vacation leave during this period of time. Also under the FEHA, reasonable accommodation of a disability related to pregnancy can include an extended leave of absence. (GOV 12945)
- 6) Establishes the State Disability Insurance (SDI) program as a partial wage-replacement plan funded through employee payroll deductions that is available (through the Disability Insurance and paid family leave or PFL programs) to eligible individuals who are unable to work due to sickness or injury of the employee (including pregnancy), the sickness or injury of a family member, or the birth, adoption, or foster care placement of a new child. [Unemployment Insurance (UI) Code 2601-3308]
- 7) Provides eligible employees with up to eight weeks of wage replacement benefits through PFL within a 12-month period to those who need to take time off work for the following reasons:
 - a) To care for a seriously ill family member, as defined;
 - b) To bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption; or,
 - c) To participate in a qualifying event because of a family member's military deployment. (UI Code §3301)
- 8) Provides, if a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy. (GOV 36513)
- 9) Provides, notwithstanding 8), above, if a city council meets monthly or less frequently than monthly and a city councilmember is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.
- 10) Provides, pursuant to Article I, Section 3 of the California Constitution, the following:

- a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.
 - b) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - c) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in b), above, each local agency is required to comply with the California Public Records Act, the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of these constitutional provisions.
- 11) Provides, pursuant to the Brown Act, requirements for local agency meetings. [Government Code (GOV) §§ 54950 – 54963]
- 12) Authorizes the legislative body of a local agency to use teleconferencing, which is generally subject to a number of requirements that include posting agendas at all teleconference locations, identifying each teleconference location in the notice and agenda for the meeting or proceeding, making each teleconference location accessible to the public, and requiring at least a quorum of the members of the legislative body to participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, as specified. [GOV § 54953(b)(3)]

FISCAL EFFECT: None

COMMENTS:

- 1) **Author's Statement.** "Local elected office can launch careers in public service, serving as a pathway to higher office. With that in mind, local elected office must be accessible to all Californians, including those who want to start or grow their families. AB 2134 will establish standard minimum protections for parental leave for city councilmembers across California, ensuring that councilmembers can take absences for parental leave without losing their council seat."
- 2) **Background.** Existing law limits the number of days a city councilmember may be absent without permission from all regular city council meetings. If a councilmember is absent for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy. If a city council meets monthly or less frequently than monthly, this absence without permission is allowed for 70 days consecutively from the last regular meeting the councilmember attended before the office becomes vacant.
- 3) **Leave for Childcare, Bonding or Pregnancy-related Reasons.** CFRA provides certain employees up to 12 weeks of unpaid, job-protected leave a year for the purpose of bonding with a child, caring for a parent, spouse, or child with a serious health condition, or due to an employee's own serious health condition, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

Under FEHA and associated regulations, it is an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time not to exceed four months and thereafter return to work. The employee is entitled to utilize any accrued vacation leave during this period of time. Also under FEHA, reasonable accommodation of a disability related to pregnancy can include an extended leave of absence.

Because city councilmembers are elected, and are not employees of the city they represent, they are not covered under these laws for any absences from city council meetings for the purpose of parental leave.

According to the author's office, "...because existing law lacks protections for councilmembers, cities may deny them parental leave, forcing them to make the difficult choice between taking necessary leave or keeping their council seat. In other cases, cities may allow leave but make the process for seeking approval public and invasive. For example, according to reporting by San Jose Mercury News, Sunnyvale City Councilmember Alysa Cisneros, who recently had her second child, was required to get her leave approved by her fellow councilmembers at a public hearing. Councilmember Cisneros was forced to share personal information about her health in a public forum."

- 4) **The Brown Act.** The Brown Act was enacted in 1953 and has been amended numerous times since then. The legislative intent of the Brown Act was expressly declared in its original statute, which remains unchanged:

"The Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

The Brown Act generally requires meetings to be noticed in advance, including the posting of an agenda, and generally requires meetings to be open and accessible to the public. The Brown Act also generally requires members of the public to have an opportunity to comment on agenda items and generally prohibits deliberation or action on items not listed on the agenda.

- 5) **Brown Act Legislation Post-COVID.** Responding to the conflict between the Brown Act's requirements for in-person attendance and associated notice and posting requirements, and public health concerns with in-person meetings during the COVID-19 pandemic, a number of bills were approved by the Legislature to provide relaxed teleconferencing requirements under specified circumstances or for specified types of legislative bodies, or both.

SB 707 (Durazo), Chapter 327, Statutes of 2025, consolidated and reorganized these provisions, one of which authorizes a member of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of

the meeting, and without making each teleconference location accessible to the public, for “just cause.” Just cause includes childcare or caregiving need of a child. However, a city councilmember would still have to participate remotely using both audio and visual technology and would be limited to participating remotely as follows:

- a) Two meetings per year, if the legislative body regularly meets once per month or less.
- b) Five meetings per year, if the legislative body regularly meets twice per month.
- c) Seven meetings per year, if the legislative body regularly meets three or more times per month.

In addition, the minutes for the meeting must identify the specific “just cause” reason that the member relied upon to participate remotely (although the member would not be required to disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law).

6) **Policy Considerations.** The Committee may wish to consider the following:

- a) This bill contains no definition of “parental leave.” The Committee may wish to add one consistent with existing law.
- b) This bill contains no limit on the length of parental leave time that shall not count toward a city councilmember’s absence. The Committee may wish to specify a time certain.

7) **Committee Amendments.** The Committee may wish to amend this bill as follows:

- a) Define “parental leave” to mean leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
- b) Specify that parental leave for the purposes of the bill shall be limited to 12 workweeks or the length of time allowed pursuant to the parental leave provided to employees of the applicable councilmember’s city, whichever is longer.

8) **Related Legislation.** AB 65 Requires K-12 public schools and community college districts to provide up to 14 weeks of paid leave for employees experiencing pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions. AB 65 is pending in the Senate Education Committee.

9) **Previous Legislation.** AB 2012 (Medina), Chapter 994, Statutes of 2018, required a person employed in a position requiring certification qualifications, a person employed in an academic position, or a classified employee to receive no less than 50% of his or her regular salary for the remaining portion of the 12-workweek period of parental leave, regardless of the type of differential pay system used by the school district or community college district.

AB 568 (Gonzalez Fletcher) of 2017, would have required school districts, charter schools, and community colleges to provide at least six weeks of full pay for pregnancy-related leaves of absence taken by certificated, academic, and classified employees. AB 568 was vetoed.

AB 2393 (Campos), Chapter 883, Statutes of 2016, required classified school employees and community college instructors on parental leave to receive up to 12 weeks of differential pay, as specified, and clarified provisions requiring certificated school employees on parental leave to receive differential pay.

AB 375 (Campos), Chapter 400, Statutes of 2015, required certificated school employees on maternity or paternity leave to receive differential pay.

10) **Arguments in Support.** The Legislative Women’s Caucus, in support, writes, “The Legislative Women’s Caucus has voted to designate AB 2134 (Addis) as a top priority bill for the Caucus. This bill will establish baseline protections for parental leave for city councilmembers across California. It ensures that councilmembers can take parental leave without risk of losing their seat and clarifies that such leave will not count toward absence limits.

“The absence of these protections should not deter Californians from pursuing local office or force elected officials to choose between public service and starting or growing their families. Nor should councilmembers be required to disclose sensitive personal or medical information to colleagues or the public to take parental leave. While accountability is essential, public officials deserve the same basic privacy afforded to other workers.

“This bill ends the invasive practice of requiring councilmembers to seek approval for parental leave in a public hearing, promoting a more equitable and respectful standard for those who serve.”

11) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

California Legislative Women's Caucus
Close the Gap Catalyst

Opposition

None on file

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