

ASSEMBLY THIRD READING

AB 2134 (Addis)

As Amended May 4, 2026

Majority vote

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.

Major Provisions

- 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) Provides that, for purposes of this bill, "parental leave" means leave for reasons 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. Parental leave shall be limited to 12 workweeks or the length of time allowed pursuant to the parental leave provided to employees of the applicable council member's city, whichever is longer.

COMMENTS

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.

The California Family Rights Act 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 the 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 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."

According to the Author

"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."

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."

Arguments in Opposition

None on file.

FISCAL COMMENTS

None

VOTES

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Johnson, Pacheco, Ramos, Ransom, Blanca Rubio, Caloza, Ward, Wilson

UPDATED

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CONSULTANT: Angela Mapp / L. GOV. / (916) 319-3958

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