



reasonable accommodation for an employee for a condition related to pregnancy, childbirth, or a related medical condition, if the employee so requests, and with the advice of the employee's health care provider. (Government Code §12945)

- 4) Provides, through the State Disability Insurance (SDI) program, short-term wage replacement benefits to eligible workers who are unable to work due to a non-work-related illness or injury and for a maximum of 52 weeks. SDI benefits can be used for an illness or injury, either physical or mental, which prevents an employee from performing their regular and customary work and includes elective surgery, pregnancy, childbirth, or other medical conditions. (Unemployment Insurance Code §2601-3308)
- 5) Provides, through the Paid Family Leave (PFL) program, a component of SDI, eligible employees up to eight weeks of wage replacement benefits within a 12-month period to workers who need to take time off work to care for a seriously ill child, spouse, parent, grandparent, grandchild, sibling, or domestic partner; 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 to participate in a qualifying event because of a family member's military deployment. (Unemployment Insurance Code §3301)
- 6) Through the Fair Employment and Housing Act (FEHA), makes it an unlawful employment practice for an employer to refuse to grant a request by any employee to take up to five days of *reproductive loss leave* following a reproductive loss event. Defines "reproductive loss event" to mean the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. If an employee experiences more than one reproductive loss event within a 12-month period, an employer shall not be obligated to grant a total amount of reproductive loss leave time in excess of 20 days within a 12-month period. (Government Code §12945.6)

**This bill:**

- 1) Enacts Firefighter Postpartum and Recovery Leave granting a firefighter who, after 20 weeks of gestation, gives birth or has a stillbirth or miscarriage, 26 weeks of fully paid postpartum and recovery leave.
- 2) Requires the leave to be granted without regard to length of service or employment classification and shall begin immediately upon the childbirth, stillbirth, or miscarriage.
- 3) Requires a firefighter on postpartum and recovery leave to be compensated at the firefighter's regular rate of pay.
- 4) Requires that all benefits, including health coverage, retirement contributions, seniority, promotional eligibility, and step increases, continue to accrue during the postpartum and recovery leave as if the firefighter were actively working.
- 5) Prohibits an employing entity from requiring a firefighter to exhaust sick leave, vacation, or compensatory time during the postpartum and recovery leave.

- 6) Requires that a firefighter returning from postpartum and recovery leave be restored to their prior position or a position of equivalent rank, pay, schedule, station assignment, and promotional trajectory.
- 7) Applies these requirements to active firefighters of all the following fire departments:
  - a. A fire department of a city, county, city and county, district, or other public or municipal corporation or political subdivision.
  - b. A fire department of the California State University.
  - c. The Department of Forestry and Fire Protection.
  - d. A county forestry or firefighting department or unit.
  - e. A fire department that serves a United States Department of War installation and who is certified by the United States Department of War as meeting its standards for firefighters.
  - f. A fire department that serves a National Aeronautics and Space Administration installation and who adheres to training standards, as specified.
  - g. A fire department that provides fire protection to a commercial airport regulated by the Federal Aviation Administration (FAA), as specified, and is trained on the standards of Section 139.319 of Title 14 of the Federal Code of Regulations.
- 8) Requests that a fire department of the University of California comply with these provisions.
- 9) Specifies that these provisions establish a statewide minimum standard and shall not be construed to preempt or limit any collective bargaining agreement or local policy providing greater rights or benefits.
- 10) Makes findings and declarations relative to the medical necessity of postpartum recovery and declaring its need for firefighters to improve public safety by reducing injury, preventing premature return to hazardous duty, and strengthening retention in an essential profession.

## COMMENTS

### 1. Background:

Parental leave is proven to benefit families and communities by improving long-term health outcomes for mothers and children, decreasing stress for caregivers and new parents, encouraging equitable co-parenting, and reducing income volatility. Studies have found that longer paid maternity leave was associated with, among other things: 1) lower rates of postpartum depression and lower rates of depression later in life; 2) for mothers who chose to breastfeed, higher rates of breastfeeding that continued for twice as long; 3) a lower likelihood of the mother or child returning to the hospital with medical complications in the first year; and 4) babies were more likely to have well-child visits and timely vaccinations.<sup>1</sup> Additionally, women who take paid leave are more likely to return to work and to see a wage increase and less likely to rely on public assistance and food stamps.<sup>2</sup> Whether or not the parental leave is paid or has some wage replacement component is often the deciding factor

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<sup>1</sup> Waldron, Patricia citing Stanford psychiatrist Amy Alexander, “*The case for national paid maternity leave*,” Women’s Health, May 18, 2020. <https://med.stanford.edu/news/insights/2020/05/the-case-for-national-paid-maternity-leave.html>

<sup>2</sup> Ibid.

on whether or not, and for how long, an employee is likely to take time to care for themselves and their families while financially providing for them.

California has several medical leaves under which an employee may be able to take leave from work to care for their illness, that of specified family members or for the bonding with a new child. Below is a summary of some and their eligibility requirements.

	<b>CA Family Rights Act (CFRA)</b> <i>Job Protected</i>	<b>Paid Family Leave (PFL)</b> <i>No Job Protection</i>	<b>Pregnancy Disability Leave (PDL)</b> <i>Job Protected</i>	<b>Reproductive Loss Leave</b> <i>Job Protected</i>	<b>Family Medical Leave Act (FMLA)</b> <i>Job Protected</i>	<b>SB 1024 (This bill)</b>
<b>Employers Covered</b>	Five or more employees	One or more (employee pays, employee gets)	Five or more employees	Public employers of any size/ private employers with five or more employees	50+ employees within 75-mile radius	All specified fire departments
<b>Employee Eligibility</b>	Worked 1,250 hours in prior 12 months	Once employee earns \$300 in base period for fund contribution	Immediate as necessary	Worked with the employer at least 30 days	Worked 1,250 in prior 12 months	Immediate without regard to length of service or employment
<b>Reason for Leave</b>	Employee serious health condition; seriously ill family member care; bond with newborn or newly placed adopted or foster child	Care for seriously ill family member; bond with a child within 1 year of birth, foster care or adoption placement; qualifying event because of a family member’s military deployment	Disability due to pregnancy, childbirth or related medical condition	Miscarriage, stillbirth, failed adoption, failed surrogacy, or unsuccessful assisted reproduction	Bond with a child w/in 1 year of birth, adoption or foster care placement OR due to serious pregnancy-related health condition	After 20 weeks of gestation, for birth, stillbirth, or miscarriage
<b>Length of Leave</b>	12 weeks in 12-month period	8 weeks in 12-month period	Up to 4 months	5 days, nonconsecutive, per loss event (max of 20 days w/in 12 months)	Up to 12 weeks	26 weeks
<b>Paid or Unpaid</b>	Unpaid, may run concurrent with other paid leave	Partial wage replacement (70-90%, depending on income)	Unpaid, may run concurrent with SDI for partial wage replacement	Unpaid, employee can use vacation, personal leave, paid sick leave, or comp time	Unpaid, employee can use vacation, paid sick time	Fully paid, prohibits exhausting sick leave, vacation or comp time
<b>Continued Health Coverage</b>	Yes	No	Yes	Unspecified	Yes	Yes

Points of note regarding these leaves:

- When both state and federal laws apply, the employee receives the benefit of the more protective law.
- PFL provides benefit payments but not job protection; however, the employee's job may be protected if taken concurrently with FMLA or CFRA.
- There is no pay associated with the FMLA and CFRA, other than what the employee has earned in other accrued leaves that may apply.
- Employees may only be eligible for the PFL program if they are covered by the SDI program. SDI is employee funded. If an employee does not pay into the SDI program, they are not eligible to receive disability benefits PFL.

As noted in the chart above, existing family and medical care leaves have various eligibility requirements that must be met before an employee can access the programs. CFRA and FMLA, for example, require employees to have worked 1,250 hours in the prior 12 months (assuming a 40 hour workweek, this is roughly 31.25 weeks) to be eligible to access the 12 weeks of leave. The reproductive loss leave provisions require a worker to have worked with the employer at least 30 days before accessing the protected time. This bill specifies that the firefighter postpartum and recovery leave "shall be granted without regard to length of service or employment classification and shall begin immediately upon the childbirth, stillbirth, or miscarriage." *Should eligibility for this leave align with other existing eligibility requirements?*

## 2. Example of existing leave options for some firefighters:

As noted above, there is no fully paid parental leave policy mandated under existing law under which a firefighter may be able to take time off from work to care for themselves and their child after a birth, stillbirth or miscarriage. There are, however, some localities that have adopted paid parental leave policies for their employees. For example, some bargaining units for the City of San Jose are entitled to receive 320 hours (8 weeks) of paid time off in addition to being authorized to use up to 120 hours of their available sick leave for the purpose of bonding with the employee's or the employee's spouse/domestic partner's new child through birth, adoption, or foster care placement. To be eligible, employees must be full-time (35+ hours) and have at least 2,080 hours of service from the most recent date of hire.<sup>3</sup>

Having a paid postpartum and recovery leave policy is something that could be bargained for during collective bargaining negotiations, however, considering the demographics of the profession, this benefit may not always be at the top of the list of priorities. As noted by a November 2024 news article aired and published by NBC Bay Area which surveyed 20 fire departments across the Bay Area region, among the 17 agencies that responded, the average percentage of women firefighters was about 7%, 2 percentage points higher than the national average.<sup>4</sup> San Francisco Fire Department and Mountain View Fire Department were the only two departments with women represented in the double digits, with San Francisco at 15.2% and Mountain View at 12.1%.

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<sup>3</sup> City of San Jose Human Resources City-Paid Parental Leave Overview + Frequently Asked Questions: <https://www.sanjoseca.gov/home/showpublisheddocument/76768/638992321754152602>

<sup>4</sup> Hilda Gutierrez, Michael Bott, Alex Bozovic and Michael Horn (2024, November 26). Bay Area fire departments still struggle to hire women, NBC Bay Area survey finds. *NBC Bay Area*. <https://www.nbcbayarea.com/investigations/bay-area-fire-departments-gender-gap-survey/3721165/>

### 3. Need for this bill?

According to the author:

“No uniform family leave policies exist in the United States. Federal law requires employers of 50 or more employees to provide twelve weeks of job-protected, unpaid family leave. California provides short-term wage replacement for family leave through State Disability Insurance (SDI), but most public employees, including firefighters, do not participate in SDI and are therefore ineligible for this benefit. Some municipal fire departments have instituted pregnancy and postpartum policies, but they are not standardized. Even where policies exist, firefighters are often required to exhaust their accumulated sick and/or vacation time before accessing leave. Currently, the only guaranteed job-protected leave firefighters are entitled to after childbirth is twelve weeks and unpaid. Twelve weeks falls far short of the time needed to recover from childbirth or bond with a new child, but without pay firefighters are pushed to return to work and full duties before they are fully healed. This puts them at significant risk of injury and the harm associated with early return doesn’t stop at the firefighter.

Firefighters are repeatedly exposed to toxic chemicals in concentrations that exceed recommended limits during normal firefighting duties. In fact, the accumulated health risks of these exposures are numerous, making the profession so dangerous to human health that the International Association for Research on Cancer (IARC) has placed the occupation in the same category as toxic substances as a known carcinogen. A 2023 study found that several chemicals were present in higher concentrations in the breast milk of firefighters, with varying concentrations of fire-related chemicals passing through to breast-fed infants<sup>5</sup>.

Firefighters who wish to take additional leave face the impossible decision between their own health, the health of their newborn, and their family's financial stability. Unfortunately, many have faced this choice and found that they have no option but to leave a career they love. The lack of supportive pregnancy and maternity policies has significant impacts on both initial recruitment and long-term retention following childbirth, deeply impacting the ability of fire departments to sustainably build a diverse and representative fire service. Every firefighter who leaves represents a loss of the substantial time, funding, and effort invested in their training. SB 1024 promotes fair, accessible, and sustainable careers in the fire service by establishing a statewide uniform paid postpartum and recovery policy for firefighters who give birth.”

### 4. Proponent Arguments:

According to the sponsors of the measure, the California Professional Firefighters:

“Significant time, effort, and funding is required for every recruit to achieve the level of training necessary for a career in the fire service, and when a firefighter must walk away to prioritize their health and family those investments are lost. Cost estimates for training range from \$80,000 - \$120,000 per recruit and may in fact be much higher when training beyond the initial academy period is considered. Ensuring that a fully trained and experienced

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<sup>5</sup> Engelsman, M.; Banks, A.P.W.; He, C.; Nilsson, S.; Blake, D.; Jayarthne, A.; Ishaq, Z.; Toms, L.-M.L.; Wang, X. An Exploratory Analysis of Firefighter Reproduction through Survey Data and Biomonitoring. *Int. J. Environ. Res. Public Health* 2023, 20, 5472. [https:// doi.org/10.3390/ijerph20085472](https://doi.org/10.3390/ijerph20085472) (Engelsman, et al., 2023)

firefighter can return to their job following childbirth is not just the right thing to do but saves money in the long term.

Twelve weeks of unpaid leave is not sufficient time for recovery from childbirth, particularly for firefighters faced with a job that is intensely physically and mentally demanding with a non-traditional schedule that requires extended periods of time away from home. Pushing a firefighter to return to work and full duties before they are completely recovered puts them at significant risk of injury and has potential health risks for their child following repeated toxic exposures.

The occupation of firefighting involves repeated and varied exposures to toxic chemicals, with substances such as carbon monoxide, sulfur dioxide, benzene, chromium, heavy metals and others present in concentrations exceeding recommended limits during normal firefighting activities. The accumulated health risks of these exposures are numerous, with the profession so dangerous to human health that the International Association for Research on Cancer (IARC) has placed the occupation in the same category as toxic substances as a known carcinogen. ‘An Exploratory Analysis of Firefighter Reproduction through Survey Data and Biomonitoring’ published in the International Journal of Environmental Research and Public Health, found that several chemicals were present in higher concentrations in the breast milk of firefighters, with varying concentrations following different fire exposures...’

It is imperative that the fire service not only continue its existing work but take new strides towards expanding its ranks to all who wish to serve. Firefighters should not have to choose between starting a family and pursuing their careers or be forced to step aside in order to protect themselves and their infants from harm. Given the unique, dangerous, and physically demanding nature of the job, a unified policy ensuring that all firefighters can recover and bond with their child will protect existing personnel and provide more flexibility and security for those who are considering a career in public service.”

## 5. Opponent Arguments:

None received.

## 6. Prior/Related Legislation:

AB 65 (Aguiar-Curry, 2025) would have required 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 was set for hearing in Senate Education Committee in 2025, but hearing was canceled at the request of the author.*

AB 2901 (Aguiar-Curry, 2024) would have required school 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 2901 died on the Senate inactive file.*

AB 1123 (Addis, Cervantes, 2023) would have required the California State University (CSU) to provide employees with a paid leave of absence of one semester of an academic year, as specified, following the birth of a child of the employee or the placement of a child with an employee in connection with adoption or foster care placement. *AB 1126 was vetoed*

*by Governor Newsom who stated, “I vetoed a nearly identical bill last year, citing more than \$20 million in fiscal impact outside of the budget process and pending collective bargaining negotiations between the CSU and the California Faculty Association. I implore both entities to come together to resolve this issue during this negotiation...With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.”*

**SUPPORT**

California Professional Firefighters – Sponsor  
Cal Fire Local 2881  
California Federation of Labor Unions  
California Teachers Association

**OPPOSITION**

None received

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