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# SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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## SB 1024 (Menjivar) - Firefighter postpartum and recovery leave

**Version:** March 16, 2026

**Urgency:** No

**Hearing Date:** April 27, 2026

**Policy Vote:** L., P.E. & R. 5 - 0

**Mandate:** No

**Consultant:** Robert Ingenito

**Bill Summary:** SB 1024 would (1) provide active firefighting members of specified fire departments 26 weeks of fully paid postpartum and recovery leave for birth, stillbirth or miscarriage of a child, and (2) require that, upon return, the firefighter be restored to their prior position, as specified.

### Fiscal Impact:

- The California Department of Forestry and Fire Protection (CAL FIRE), the state entity most affected by this bill's proposed changes, has yet to determine the bill's resulting fiscal impacts. However, total costs to CAL FIRE, at a minimum, would likely reach the low millions of dollars annually (General Fund, see Staff Comments).
- Any costs to the California Department of Human Resources (CalHR) and the California State University (CSU) system also have yet to be identified (General Fund). However, CSU campuses are generally protected by local city and county fire departments, not by firefighters directly employed by CSU.
- The University of California (UC) indicates that it would incur ongoing annual General Fund costs of up to \$50,000 to implement the provisions of the bill.

**Background:** 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, including (1) California Family Rights Act (CFRA), (2) Paid Family Leave (PFL), (3) Pregnancy Disability Leave (PDL), (4) Reproductive Loss Leave, and (5) Family Medical Leave Act (FMLA). Coverage, eligibility, and length of leave vary. Some include partial wage replacement, while others are unpaid leave. None of the aforementioned types of leave include full wage replacement. Additionally, as summarized by the Senate Committee on Labor, Public Employment and Retirement:

- 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 FMLA and CFRA, other than what the employee has earned in other accrued leaves that may apply.

- Employees may only be eligible for PFL if they are covered by the State Disability Insurance (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.

Thus, there is no fully-paid parental leave policy mandated under current law allowing a firefighter to take time off from work to care for themselves and their child after a birth, stillbirth or miscarriage. However, some localities 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 or more hours) and have at least 2,080 hours of service from the most recent date of hire.

**Proposed Law:** This bill, among other things, would do the following:

- Enact 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.
- Require the leave to be granted without regard to length of service or employment classification and shall begin immediately upon the childbirth, stillbirth, or miscarriage.
- Require a firefighter on postpartum and recovery leave to be compensated at the firefighter's regular rate of pay.
- Require 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.
- Prohibit an employing entity from requiring a firefighter to exhaust sick leave, vacation, or compensatory time during the postpartum and recovery leave.
- Require 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.
- Apply these requirements to active firefighters of all the following fire departments: (1) a fire department of a city, county, city and county, district, or other public or municipal corporation or political subdivision, (2) a fire department of CSU, (3) CAL FIRE, (4) a county forestry or firefighting department or unit, (5) 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, (6) a fire department that serves a National Aeronautics and Space Administration installation and who adheres to training standards, as specified, and (7) 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.

- Request that a fire department of UC comply with these provisions.
- Specify 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.

#### **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. The bill was set for hearing in the Senate Committee on Education, but 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. The bill died on the Senate inactive file.
- AB 1123 (Addis, 2023) would have required 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. The bill was vetoed by Governor Newsom.

**Staff Comments:** As noted above, CAL FIRE has yet to determine the fiscal effects of this bill. However, available data regarding (1) the number of firefighters employed by the State, (2) the proportion that is female and of child-bearing age, (3) fertility rates, and (4) average state firefighter salary and benefit amounts suggest that this bill's cost minimally would be in the low millions of dollars annually. Cost drivers of this bill include (1) how many firefighters in impacted state departments give birth or experience qualifying events each year, and (2) whether departments would backfill their shifts. Specifically, costs would be driven by staffing replacement, the extent to which the State either (1) used overtime, temporary/seasonal, or other options as a substitute for firefighters using the leave provided by the bill.

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 (roughly 31.25 weeks assuming a 40-hour workweek) 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. Under this bill, as noted above, firefighter postpartum and recovery leave would be granted without regard to length of service or employment classification and would begin immediately, as provided. To the extent that leave eligibility requirements in the bill mirror that of other leave types in current law, the fiscal impact would be lessened.

As noted above, UC estimates ongoing costs of up to \$50,000 resulting from the bill. The annual cost associated with providing the new benefit would be up to \$25,000; ongoing administrative costs would potentially reach the low tens of thousands of dollars. UC also notes one-time, minor and absorbable costs to update collective bargaining agreements to reflect this new benefit for those covered

Costs resulting from this bill would increase steadily over time, reflecting among other factors (1) increases in the number of female firefighters, and (2) increases in costs for firefighter salary and benefits. The number and severity of future fires would also influence the bill's future costs, as would changes in future fertility.

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