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THIRD READING

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Bill No: SB 1024  
Author: Menjivar (D), et al.  
Amended: 5/14/26  
Vote: 21

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SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 4/15/26  
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26  
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

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**SUBJECT:** Firefighter postpartum and recovery leave

**SOURCE:** California Professional Firefighters

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**DIGEST:** This bill entitles active firefighting members of specified fire departments to 26 weeks of fully paid postpartum and recovery leave for birth, stillbirth or miscarriage of a child and requires that, upon return, the firefighter be restored to their prior position, as specified.

**ANALYSIS:**

Existing federal law establishes the Family Medical Leave Act (FMLA) to provide employees, working for an employer with 50 or more employees, the right to take up to 12 weeks of job-protected, unpaid time off work for the birth or adoption of a child, due to a serious health condition of the employee, for an exigency arising out of the fact that the employee's close relative is a military member on active duty, and for the employee to care for a close relative with a serious health condition. (28 United States Code (U.S.C.) §2601 et seq., §2611)

Existing state law:

- 1) Establishes the California Family Rights Act (CFRA) making it an unlawful employment practice for an employer to refuse to grant a request from an eligible employee to take up to a total of 12 weeks off in any 12-month period

for specified family care and medical leave. Defines “family care and medical leave,” for purposes of CFRA, to mean taking leave to care for a new child; to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition; to take leave because of the employee’s own serious health condition; or for a qualifying exigency related to the employee’s close family’s active duty as a member of the Armed Forces, as specified. Provides that CFRA provisions only apply to employers with five or more employees, and to employees who have held their job for at least a year and worked at least 1,250 hours in the previous 12-month period. (Government Code §12945.2)

- 2) Under Pregnancy Disability Leave (PDL) provisions, makes it an unlawful employment practice for an employer to refuse to allow an 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 makes it an unlawful employment practice for an employer to refuse to provide 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)
- 3) 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)
- 4) 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)

- 5) 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 entitling a firefighter who, after 20 weeks of gestation, gives birth or has a stillbirth or miscarriage, to 26 weeks of fully paid postpartum and recovery leave if they have at least 1,250 hours of service with the fire department in the 12-month period before the date of the childbirth, still birth, or miscarriage.
- 2) Requires that the leave be granted without regard to employment classification and shall begin immediately upon the date of 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.

## **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. Whether or not the parental leave is paid or has some wage replacement component is often the deciding factor 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	Worked 1,250 hours of service in prior 12 months
<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.
- Some state employees may be able to access Nonindustrial Disability Insurance (NDI), which is a partial wage replacement benefit for state employees. NDI provides income to eligible employees when they lose wages due to a non-work-related disability. NDI is an employer paid benefit that covers excluded employees and rank-and-file employees in bargaining units 2, 5, 6, 7, 8, 9, 12, 13, 16, 18, and 19.

*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... 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 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.”

[NOTE: Please see the Senate Labor, Public Employment and Retirement Committee analysis on this bill for more background information and information on prior legislation.]

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- 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).
- 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.

**SUPPORT:** (Verified 5/14/26)

California Professional Firefighters (Source)  
Cal Fire Local 2881  
California Federation of Labor Unions  
California Teachers Association  
Health Access California  
Planned Parenthood Affiliates of California  
Teamsters California

**OPPOSITION:** (Verified 5/14/26)

None received

**ARGUMENTS IN SUPPORT:** According to the sponsors of the measure, the California Professional Firefighters:

“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.”[Click here to enter text.](#)

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