

Date of Hearing: June 24, 2026

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Liz Ortega, Chair

SB 1024 (Menjivar) – As Amended May 14, 2026

**SENATE VOTE:** 39-0

**SUBJECT:** Firefighter postpartum and recovery leave

**SUMMARY:** Provides that a firefighter who, after 20 weeks of gestation, gives birth or has a stillbirth or miscarriage shall be entitled 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, stillbirth, or miscarriage. Requires employment benefits, as specified, to continue during the leave. Further requires the firefighter, upon the termination of the leave, to return to their prior position or a similar position. Specifically, **this bill:**

- 1) Makes findings and declarations as to the necessity of postpartum leave for firefighters who give birth.
- 2) Provides that the bill applies to active firefighting members of all of 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 established in accordance with the training and education in the fire service sector under the State Fire Marshal's jurisdiction.
  - 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 operational standards for aircraft rescue and firefighting under federal law.
  - h) A fire department of the University of California is requested to comply with these provisions.
- 3) States that a firefighter who, after 20 weeks of gestation, gives birth or has a stillbirth or miscarriage shall be entitled 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, stillbirth, or miscarriage.

- a) The postpartum and recovery leave shall be granted without regard to employment classification and shall begin immediately upon the date of the childbirth, stillbirth, or miscarriage.
- 4) Requires a firefighter on postpartum and recovery leave to be compensated at the firefighter's regular rate of pay.
- 5) Requires all benefits, including health coverage, retirement contributions, seniority, promotional eligibility, and step increases, to continue to accrue during the postpartum and recovery leave as if the firefighter were actively working.
- 6) Prohibits an employing entity from requiring a firefighter to exhaust sick leave, vacation, or compensatory time during the postpartum and recovery leave.
- 7) Requires a firefighter returning from postpartum and recovery leave to be restored to their prior position or a position of equivalent rank, pay, schedule, station assignment, and promotional trajectory.
- 8) States that this bill establishes 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.

#### **EXISTING STATE LAW:**

- 1) Establishes the California Family Rights Act (CFRA) that makes it unlawful for an employer to refuse to grant a request by any employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period or as specified, to take up to a total of 12 workweeks in any 12-month period for family care and medical leave. Family care and medical leave requested shall not be deemed to have been granted unless the employer provides the employee, upon granting the leave request, a guarantee of employment in the same or a comparable position upon the termination of the leave. Government Code §12945.2(a).
- 2) Provides that an employee taking a leave permitted by CFRA may elect, or an employer may require the employee, to substitute, for leave allowed under 1) above, any of the employee's accrued vacation leave or other accrued time off during this period or any other paid or unpaid time off negotiated with the employer. If an employee takes a leave because of the employee's own serious health condition, the employee may also elect, or the employer may also require the employee, to substitute accrued sick leave during the period of the leave. Government Code §12945.2(d).
- 3) States that, for purposes of pregnancy disability leave (PDL), it is unlawful 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, as specified. The employee shall be entitled to utilize any accrued vacation leave

during this period of time. Reasonable period of time means that period during which the employee is disabled on account of pregnancy, childbirth, or a related medical condition. Government Code §12945(a)(1).

- 4) Provides that it is 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. 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(b)(1).
- 5) Defines a “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. Government Code §12945.6(a)(7).

#### **EXISTING FEDERAL LAW:**

- 1) Establishes the Family Medical Leave Act (FMLA) of 1993 which entitles an eligible employee to a total of 12 workweeks of leave during any 12-month period for circumstances such as to care for a family member with a serious health condition or because of their own serious health condition. 29 U.S. Code, Chapter 28, Subchapter I, §2612.

**FISCAL EFFECT:** 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.

**COMMENTS:** As discussed by the sponsor below, although firefighters who give birth or experience a miscarriage may qualify for family and medical leave under either the federal leave (FMLA) or state leave (CFRA) program, they do not pay into state disability insurance so either leave would be unpaid. This is a strong disincentive for a firefighter to take the necessary time off for their health or to even return to work. SB 1024 would address that barrier by providing 26 weeks of fully paid leave with continued benefits. A firefighter covered by the bill would not be required to exhaust their existing leave, which is the case under many leave programs. A fire department of any size would be required to provide the postpartum and recovery leave.

The following chart, provided in the Senate Labor, Public Employment, and Retirement Committee’s analysis of SB 1024, shows how current leave programs compare to the leave required under SB 1024:

	<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

### *The health risks of firefighting*

The risks of occupational exposure to toxic substances in firefighting are well documented. Firefighters are exposed to toxic chemicals in concentrations that exceed recommended limits during their everyday duties. The accumulated health risks of these exposures make the profession so dangerous to human health that the International Association of Research on

Cancer (IARC) has placed the *occupation* in the same category as carcinogens.<sup>1</sup> In addition, for firefighters who give birth, there are risks associated with breast feeding. A 2023 study on firefighter reproduction in Australia found that several chemicals were present in higher concentrations in the breast milk of firefighters than in other groups, with varying concentrations of fire-related chemicals passing through to breast-fed infants.<sup>2</sup>

According to the author, “While still low, California has the highest number of women firefighters in the United States, yet there is no policy on the books that ensures paid postpartum and recovery leave for those who give birth. The absence of this paid leave either pushes firefighters to return to work before fully healing or leave the service completely. Unfortunately for many, they end up leaving. Over decades, significant effort has been dedicated towards ensuring that a career in the fire service is accessible to all who want to join and that fire departments represent the communities they serve. A critical piece of that effort is ensuring that all who join can stay. By ensuring firefighters who give birth receive 26 weeks of fully paid leave, SB 1024 promotes fair, accessible, and sustainable careers in the fire service.”

The author further believes the measure will promote equity solutions and states, “Despite significant effort, women remain severely underrepresented in California's fire service. There are 37,000 professional firefighters in California and only about 1,440, or 4%, are women. The lack of supportive pregnancy and reproductive policy continues to be a barrier to a career in the fire service for women. Establishing pregnancy and reproductive policy that supports women through every stage of their careers is a direct investment in diversity, ensuring that our fire service reflects and serves all Californians.”

### **Arguments in Support**

The California Professional Firefighters (CPF), state council of the International Association of Fire Fighters, sponsor of the bill, states, “No uniform family leave policies exist in the United States, with a patchwork of federal, state, and local regulations covering workers who have children. Federally, the Family and Medical Leave Act of 1993 requires employers of 50 or more employees to provide employees with 12 weeks of job-protected, unpaid leave. Some states, including California, provide some measure of wage replacement for family leave periods; California’s Paid Family Leave (PFL) program provides up to 8 weeks of wage replacement of up to \$1,765 per week for a maximum benefit of \$14,120. However, PFL is only available to workers who pay into State Disability Insurance (SDI) and most public employees, including firefighters, do not participate in SDI and therefore are not eligible to receive this benefit.

For fire service employees, the landscape of family leave policies is even more varied. Some municipal fire departments have instituted policies for firefighters who are pregnant or who have given birth, such as the Phoenix Fire Department that provides for light duty assignments both during pregnancy and up to one year post childbirth. However these policies are not standardized - in “Maternal and Child Health among Female Firefighters in the U.S.” of 1,821 firefighters responding to the study’s survey, only 58.5% responded that their department had a policy related to pregnancy, with 23.9% reporting that their department definitely did not and the

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<sup>1</sup> IARC Monographs Volume 132: Occupational Exposure as a firefighter, 2023.

<sup>2</sup> Engelsman M, Banks APW, He C, Nilsson S, Blake D, Jayarthne A, Ishaq Z, Toms LL, Wang X. An Exploratory Analysis of Firefighter Reproduction through Survey Data and Biomonitoring. *Int J Environ Res Public Health*. 2023 Apr 11;20(8):5472.

remainder stating that they did not know. Additionally, even departments that have established pregnancy policies that provide for leave following birth require the firefighter to exhaust their accumulated sick and/or vacation time before accessing that leave.

A lack of supportive pregnancy and maternity policies have significant impacts on both initial recruitment and long-term retention following childbirth, deeply impacting the ability of fire departments to build a diverse and representative fire service. Not only does a firefighter being forced to choose between their career and their family represent an unacceptable outcome for every firefighter faced with this choice, when viewed from a personnel and financial standpoint for the departments this becomes unsustainable. 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 firefighter can return to their job following childbirth is not just the right thing to do but saves money in the long term.”

### **Arguments in Opposition**

None on file.

### **Prior Legislation**

AB 65 (Aguiar-Curry) of 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 the Senate Education Committee in 2025, but the hearing was canceled at the request of the author.

AB 2901 (Aguiar-Curry) of 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) of 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 1123 was vetoed by Governor Newsom.

SB 848 (Rubio) Chapter 724, Statutes of 2023 provides that it is an unlawful employment practice for an employer to refuse to grant a request by an employee who has worked for the employer at least 30 days to take up to five days of reproductive loss leave following a reproductive loss event.

### **REGISTERED SUPPORT / OPPOSITION:**

#### **Support**

California Professional Firefighters (Sponsor)  
Cal Fire, Local 2881

California Federation of Labor Unions, AFL-CIO  
California Teachers Association  
Health Access California  
Planned Parenthood Affiliates of California  
Teamsters California

**Opposition**

None on file.

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