

Date of Hearing: June 24, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

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

SENATE VOTE: 39-0

SUBJECT: Firefighter postpartum and recovery leave

The committee is informed that this bill is also referred to the Assembly Committee on Labor and Employment should it advance beyond this committee. As such, this writing only discusses matters that are germane to the jurisdiction of this committee and defers to that committee to discuss matters that are germane to its jurisdiction.

SUMMARY: Entitles firefighters, as specified, to receive fully paid postpartum and recovery leave, among other provisions. Specifically, **this bill:**

- 1) Entitles a firefighter who, without regard to employment classification, after 20 weeks of gestation, childbirth, stillbirth, or miscarriage, 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 postpartum event, and where the leave must be granted and immediately begin.
- 2) Requires a firefighter on postpartum and recovery leave to be compensated at their regular rate of pay, all benefits, including health coverage, retirement contributions, seniority, promotional eligibility, step increases, and to continue to accrue during the postpartum and recovery leave as if the firefighter were actively working.
- 3) Prohibits the employing entity from requiring the firefighter to exhaust all sick leave, vacation, or compensatory time during the postpartum and recovery leave.
- 4) Establishes the above-described as a statewide minimum standard that must not be construed to preempt or limit any collective bargaining agreement or local policy providing greater rights or benefits.
- 5) Applies the above-described provisions to fire departments of cities; counties; a city and county; public or municipal corporations; the California State University (CSU) fire department; the Department of Forestry and Fire Protection (CAL FIRE); county forestry or firefighting departments or units; a fire department of a United State Department of War installation or National Aeronautics and Space Administration, as respectively specified; fire department of a commercial airport, as specified; and, requests the fire department of the University of California (UC) to comply with these provisions.
- 6) Includes uncodified legislative findings and declarations for these purposes.

EXISTING LAW:

- 1) Establishes the Family Medical Leave Act (FMLA) to provide most 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. Applies these provisions to private employers that employ 50 or more employees during each of 20 or more calendar workweeks in the current or preceding year. (Sections 2601 et seq., Title 28, United States Code.)
- 2) Establishes the California Family Rights Act (CFRA) that, among other things, makes it unlawful 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, but provides that its 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. (Section 12945.2, Gov. Code.)
- 3) Establishes under Pregnancy Disability Leave (PDL), among other things, that 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, unless based upon a bona fide occupational qualification. (Section 12945, Gov. Code.)
- 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. This benefit can be used for a physical or mental illness or injury that prevents an employee from performing their regular and customary work and includes elective surgery, pregnancy, childbirth, or other medical conditions. (Sections 2601 through 3308, UI Code.)
- 5) Provides, through the Paid Family Leave (PFL) program, a component of SDI, granting 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. (Section 3301, UI Code.)
- 6) Pursuant to 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, among other provisions. (Section 12945.6, Gov. Code.)

FISCAL EFFECT: According to the Senate Committee on Appropriations the CAL FIRE, the state entity most affected by this bill's proposed changes, has yet to determine its 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 CSU 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 UC indicates that it would incur ongoing annual General Fund costs of up to \$50,000 to implement the provisions of the bill.

COMMENTS:

Information provided by the author states, “[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 [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. 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.”

This Bill

As noted under “Existing Law,” several federal and state laws afford employees with various leaves of absence relating to the care of a family member. In addition to these policies, during the course of employment, firefighters also may accrue sick and vacation leave balances that may be used for personal purposes.

This bill proposes a generous entitlement to firefighters that would separately and independently apply in addition to existing federal and state parental or family care leave laws that also may apply, in addition to accrued sick and vacation leave balances. However, it is noted that this bill specifically targets and would apply to a limited number of firefighters among the total firefighting population, as prescribed.

With respect to firefighters who are members of the California Public Employees' Retirement System (CalPERS), Section 20630 of the Gov. Code defines "compensation" as remuneration paid out of employer-controlled funds for the member's services performed during normal working hours or for time during the time in which the member is excused from work for, among other things, a leave of absence. Further, when compensation is reported to CalPERS, the employer is required to identify the pay period the compensation was earned as compensation earnable, as prescribed in Section 20636 of the Gov Code, regardless of when reported or paid. Under this bill and with respect to those firefighters where they could be absent for 26 weeks, i.e., six months, they would continue to be fully compensated while maintaining or accruing other employment-related benefits including service credit towards their retirement during the leave of absence (years of service is one among several factors used to calculate a pension). To the extent that compensation during the proposed leave must be reported in accord with the aforementioned statutes, both the employer and firefighter would be required to continue to remit contributions to CalPERS during the firefighter's absence.

Suggestion to Author for Consideration Should This Bill Move Beyond This Committee

Should this bill advance beyond this committee, the author may wish to consider extending the proposed postpartum entitlement leave to apply to firefighters who may become a parent of a newborn child through surrogacy or adoption.

Author's Statement

"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, [this bill] promotes fair, accessible, and sustainable careers in the fire service."

Comments by Supporters

The California Professional Firefighters state, "[o]ver the past 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 reflect the communities that they serve. While progress has been made, a significant gap still exists with many barriers for those who may be considering a future as a firefighter. One of the most substantial barriers is the lack of adequate, paid leave following the birth of a child. No uniform family leave policies exist in the United States, with a patchwork of federal, state, and local regulations covering workers who have children. 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, however these policies are not standardized. 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. 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.”

Other organizations offer similar statements in support of this bill.

Comments by Opponents

None on file.

Prior or Related Legislation

Assembly Bill 2134 (Addis, 2026) 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. This bill is currently pending in the Senate.

Assembly Bill 65 (Aguiar-Curry, 2025) proposed to require 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. This bill was held in the Senate Committee on Education.

Assembly Bill 2901 (Aguiar-Curry, 2024) proposed to require 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 was held on the Senate inactive file.

Assembly Bill 1123 (Addis, 2023) proposed to require the 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 stating:

“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. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. 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.”

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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