

SENATE THIRD READING
SB 1024 (Menjivar)
As Amended August 13, 2026
Majority vote

SUMMARY

Entitles firefighters, as prescribed, to receive fully paid postpartum and recovery leave, among other provisions.

Major Provisions

- 1) Entitle an active 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 without regard to employment classification if: (a) they have been employed by the fire department for at least 12 months as of the date of the postpartum event; (b) 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, (c) the leave is taken continuously. However, if the employer pays a firefighter another supplemental benefit for leave that is payable as enumerated above, and that supplemental benefit compensates them in an amount equal to or greater than the amount in 2)(a) and (b) immediately below, the employer is authorized to count the hours of the other paid benefit or leave toward the total number of weeks of postpartum and recovery leave that the employer is required to provide to the firefighter, as prescribed.
- 2) Require a firefighter on postpartum and recovery leave to: (a) be compensated at their regular rate of pay set forth in a collective bargaining agreement and in accordance with their normal pay schedule; (b) continue to accrue all benefits, as provided, during the leave as if the firefighter were actively working; and, (c) be restored to their position or its equivalent rank, pay, schedule, station assignment, and promotional trajectory after returning from leave.
- 3) Prohibit the employing entity from requiring the firefighter to exhaust all sick leave, vacation, or compensatory time during the postpartum and recovery leave.
- 4) Establish 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, and apply these 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 States 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.

COMMENTS

The Health Risks of Firefighting. The risks of occupational exposure to toxic substances in firefighting are well documented. They are exposed to toxic chemicals in concentrations that exceed recommended limits during their everyday duties, and 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.¹ 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.²

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, as well as 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), existing law 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 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 existing law, both the employer and firefighter would be required to continue to remit contributions to CalPERS during the firefighter's absence.

Please see the respective policy committee analyses for a full discussion of this bill.

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

Arguments in Support

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

¹ *"IARC Monographs Volume 132: Occupational Exposure as a Firefighter."* International Agency for Research on Cancer, July 27, 2023.

² *"An Exploratory Analysis of Firefighter Reproduction through Survey Data and Biomonitoring."* International Journal of Environmental Research and Public Health, April 2023.

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.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, this bill would result in the following:

- 1) The CAL FIRE anticipates ongoing costs (General Fund) associated with providing this expanded benefit to firefighters but asserts it is unable to quantify these costs because it cannot reliably predict how many employees will utilize this benefit in a given year. Nonetheless, the Department of Human Resources (CalHR) estimates the bill likely results in ongoing annual costs in the hundreds of thousands of dollars for eligible Bargaining Unit 8 state employees working at CAL FIRE. However, to the extent that the extended leave provided by the bill results in more female firefighters returning to work instead of abandoning firefighting employment due to insufficient leave time the cost savings from reduced recruitment and training of new firefighters could lower total costs.
- 2) Ongoing General Fund costs of \$400,000 annually for the Labor Commissioner's Office (under the Department of Industrial Relations) to facilitate the creation of a parental leave program.
- 3) Ongoing costs in the tens of thousands to low hundreds of thousands of dollars (General Fund) for the University of California for campuses with fire departments to provide this expanded benefit.

- 4) No fiscal effect to the CSU as the CSU is protected by local city and county fire departments, not firefighters directly employed by the CSU.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Niello

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Alanis, Chen, Elhawary, Kalra, Lee, Ward

ASM PUBLIC EMPLOYMENT AND RETIREMENT: 6-0-1

YES: McKinnor, Alanis, Boerner, Garcia, Nguyen, Michelle Rodriguez

ABS, ABST OR NV: Lackey

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

VERSION: August 13, 2026

CONSULTANT: Michael Bolden / P. E. & R. / (916) 319-3957

FN: 0003574