

UNFINISHED BUSINESS

Bill No: SB 1024
Author: Menjivar (D), et al.
Amended: 8/19/26
Vote: 21

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

SENATE FLOOR: 39-0, 5/19/26
AYES: 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
NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: Passed, 8/26/26

SUBJECT: Firefighter postpartum and recovery leave

SOURCE: California Professional Firefighters

DIGEST: This bill requires a fire department to provide a paid leave of absence of up to 26 weeks to a requesting firefighter who is disabled by pregnancy, childbirth, or a related medical condition.

Assembly Amendments struck the provisions of this bill as it left the Senate which would have entitled firefighters with up to 26 weeks of fully paid postpartum and recovery leave for birth, stillbirth or miscarriage of a child to instead entitle firefighters to this time only when the leave is associated with a disability due to pregnancy, childbirth, or related medical condition.

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) Requires a fire department to provide a paid leave of absence of up to 26 weeks to a firefighter who requests leave because the firefighter is disabled by pregnancy, childbirth, or a related medical condition.
- 2) Specifies that the paid leave applies to an active firefighter member who has at least 1,250 hours of service with the fire department in the 12-month period before the date on which the paid leave begins. However, clarifies that there are no eligibility requirements, including minimum hours worked or length of service, before an employee may take unpaid, job-protected leave for disability due to pregnancy, childbirth, or related medical condition as provided in existing law, as specified.
- 3) Authorizes a fire department, as a condition of granting or continuing the paid leave, to require the firefighter to provide written medical certification from the

firefighter's health care provider documenting that the leave is required because of a disability by pregnancy, childbirth, or a related medical condition, and stating the anticipated start date and duration of the leave.

- 4) For purposes of this paid leave, requires that:
 - a) It be provided with full pay, except as specified, at the firefighter's regular rate of pay set forth in the applicable collective bargaining agreement and in accordance with their normal pay schedule.
 - b) It run concurrently with job-protected leave under the existing Pregnancy Disability Leave provisions or the reasonable accommodation provisions of the Fair Employment and Housing Act, or both, as specified.
 - c) Notwithstanding any other law, the fire department maintain group health coverage for a firefighter on leave for the duration of the leave and at the same level and under the same conditions that coverage would have been provided had the firefighter not taken the paid leave.
 - d) All benefits, including retirement contributions, seniority, promotional eligibility, and step increases, to continue to accrue during the paid leave as if the firefighter were actively working.
 - e) A firefighter returning from paid leave be restored to their prior position or a position of equivalent rank, pay, schedule, station assignment, and promotional trajectory.
- 5) Specifies that compensation during the paid leave must include retirement fund contributions by the fire department and the firefighter, and the firefighters must earn full service credit during the paid leave.
- 6) Prescribes the manner in which the paid leave must be calculated for part-time firefighters.
- 7) Prohibits a fire department from requiring a firefighter to exhaust paid sick leave, vacation, or compensatory leave time before or while taking the paid leave under this section.
- 8) Specifies that these provisions do not preempt or limit any collective bargaining agreement, state law or policy, or local law or policy providing greater rights or benefits.

- 9) Authorizes a fire department to count benefits provided to a firefighter under another law, employer-provided paid leave policy, or disability insurance plan that are payable, as provided, other than vacation, sick, or other compensated leave time, toward the requirements of this bill. Additionally, specifies that full satisfaction is met if the fire department ensures that the firefighter receives their full pay during the leave of absence, as required, without a reduction to the firefighter's vacation, sick, or other compensated leave time balances.
- 10) Apply the above-described provisions to active firefighting members 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 of the University of California is requested to comply with the provisions of this bill.

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.

	CA Family Rights Act (CFRA) <i>Job Protected</i>	Paid Family Leave (PFL) <i>No Job Protection</i>	Pregnancy Disability Leave (PDL) <i>Job Protected</i>	Reproductive Loss Leave <i>Job Protected</i>	Family Medical Leave Act (FMLA) <i>Job Protected</i>	SB 1024 (This bill)
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Employers Covered	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
Employee Eligibility	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
Reason for Leave	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	Disability due to pregnancy, childbirth, or related medical condition
Length of Leave	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	Up to 26 weeks pending medical certification
Paid or Unpaid	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
Continued Health Coverage	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: “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 Assembly Appropriations Committee:

- 1) 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 California 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 California State University (CSU) as CSU is protected by local city and county fire departments, not firefighters directly employed by the CSU.

SUPPORT: (Verified 8/24/26)

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 8/24/26)

None received

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

“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.”

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